



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, TUESDAY, JANUARY 6, 2015

No. 1

## Senate

The sixth day of January being the day prescribed by Public Law 113-201 for the meeting of the 1st Session of the 114th Congress, the Senate assembled in its Chamber at the Capitol and at 12:08 p.m. was called to order by the Vice President (Mr. BIDEN).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Lord of our lives and sovereign of our beloved Nation, as we begin this 114th Congress, guide our lawmakers, old and new, on the right road. We confess our need for Your supernatural power to provide them with insight, innovation, and inspiration to solve the problems we face.

Lord, give to our Senators uncommon guidance as they seek to do what is best for this land we love. Enable them to develop a slow exploratory wisdom, neither of the heart only nor of the head only, so that they will act with an integrity that will bring them to Your desired destination. May they not run from disquieting considerations but instead claim Your promise that the truth shall set us free.

We pray in Your omnipotent Name. Amen.

### PLEDGE OF ALLEGIANCE

The Vice President led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CERTIFICATES OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fulfill an unexpired term and the certificates of election for 33 Senators elected for 6-year terms beginning January 3, 2015. All certifi-

cates, the Chair is advised, are in the form suggested by the Senate or contain all the requirements of the form suggested by the Senate. If there is no objection, the reading of the certificates will be waived and they will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify, that on the 4th day of November, 2014, Lamar Alexander was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Bill Haslam, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 2014.

By the Governor:

BILL HASLAM,  
Governor.  
TRE HARGETT,  
Secretary of State.

[State Seal Affixed]

#### STATE OF NEW JERSEY

##### CERTIFICATE OF ELECTION

*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, 2014, Cory Booker, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2015.

Given, under my hand and the Great Seal of the State of New Jersey, this second day of December two thousand and fourteen.

By the Governor:

CHRIS CHRISTIE,  
Governor.

Attest:

KIMBERLY M. GUADAGNO,  
Lt. Governor / Secretary of State.

[State Seal Affixed]

#### STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, Two Thousand Fourteen, Shelley Moore Capito was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, Two Thousand Fifteen.

Witness: His Excellency our governor, Earl Ray Tomblin, and our seal hereto affixed at Charleston this tenth day of December, in the year of our Lord, Two Thousand Fourteen.

By the Governor:

EARL RAY TOMBLIN,  
Governor.  
NATALIE E. TENNANT,  
Secretary of State.

[State Seal Affixed]

#### STATE OF LOUISIANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of December, 2014, "Bill" Cassidy was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Bobby Jindal, and our seal hereto affixed at Baton Rouge, Louisiana, this 16th day of December, in the year of our Lord 2014.

By the Governor:

BOBBY JINDAL,  
Governor of Louisiana.  
TOM SCHEDLER,  
Secretary of State.

[State Seal Affixed]

#### STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November 2014, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi a Senator from Mississippi to represent Mississippi in the Senate of the United States for the term of six years, beginning on the 3rd day of January, Two Thousand Fifteen.

• This "buller" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Given under my hand, and our seal affixed hereto, at the City of Jackson, this the 8th day of December in the year of our Lord, Two Thousand Fourteen.

PHIL BRYANT,  
Governor.

Attest:

C. DELBERT ROSEMAN, JR.,  
Secretary of State.

[State Seal Affixed]

#### STATE OF MAINE

Greeting:

*To the President of the Senate of the United States:*

Know Ye, That this is to certify, that on the fourth day of November, in the year Two Thousand and Fourteen, Susan M. Collins was duly chosen by the qualified electors of the State of Maine, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Fifteen.

Witness: His excellency our Governor, Paul R. LePage, and our seal hereto affixed at Augusta, Maine this fifth day of December, in the year of our Lord Two Thousand and Fourteen.

By the Governor:

PAUL R. LEPAGE,  
Governor.  
MATTHEW DUNLAP,  
Secretary of State.

[State Seal Affixed]

#### STATE OF DELAWARE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day November, 2014, Christopher A. Coons was duly chosen by the qualified electors of the State of Delaware a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January 2015.

Witness: His excellency our Governor Jack Markell, and our seal hereto affixed at 11:00 a.m. this 9th day of November, in the year of our Lord 2014.

JACK A. MARKELL,  
Governor of Delaware.  
JEFFREY W. BULLOCK,  
Secretary of State.

[State Seal Affixed]

#### STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, John Cornyn was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 1st day of December, in the year of our Lord 2014.

In testimony Whereof, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, this the 1st day of December, 2014.

By the Governor:

RICK PERRY,  
Governor.

Attest:

NANDITA BERRY,  
Secretary of State.

[State Seal Affixed]

#### STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, the Honorable Tom Cotton was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His Excellency, our Governor, the Honorable Mike Beebe, and our seal hereto affixed at the State Capitol in Little Rock, Arkansas, this 21st day of November, in the year of our Lord 2014.

By the Governor:

MIKE BEEBE,  
Governor.  
MARK MARTIN  
Secretary of State.

[State Seal Affixed]

IN THE NAME AND BY THE AUTHORITY OF THE  
STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
TO THE UNITED STATES SENATE

I, Linda McCulloch, Secretary of State of the State of Montana, do hereby certify that Steve Daines was duly chosen on November 4th, 2014, by the qualified electors of the State of Montana as a United States Senator from said State to represent said State in the United States Senate. The six-year term commences on January 3rd, 2015.

Witness: His Excellency our Governor Steve Bullock, and the official seal hereunto affixed at the City of Helena, the Capital, this 25th day of November, in the year of our Lord 2014.

By the Governor:

STEVE BULLOCK,  
Governor.

Attest:

LINDA MCCULLOCH,  
Secretary of State.

[State Seal Affixed]

#### STATE OF ILLINOIS

*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2015.

Witness: His Excellency Our Governor, Pat Quinn, and our seal hereto affixed at the City of Springfield, Illinois, this 2nd day of December, in the year of our Lord 2014.

By the Governor:

PAT QUINN,  
Governor.  
JESSE WHITE,  
Secretary of State.

[State Seal Affixed]

#### STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November 2014, Mike Enzi was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2015.

Witness: His Excellency our governor, Matthew H. Mead, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 10th day of November, in the year of our Lord 2014.

By the governor:

MATTHEW H. MEAD,  
Governor.  
MAX MAXFIELD,  
Secretary of State.

[State Seal Affixed]

#### STATE OF IOWA

CERTIFICATE OF ELECTION TO THE SENATE OF  
THE UNITED STATES FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November 2014, Joni Ernst was duly elected as Senator to the Senate of the United States to represent the State of Iowa beginning on the 3rd day of January 2015.

In Testimony Whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 1st day of December in the year of our Lord two thousand fourteen.

TERRY BRANSTAD,  
Governor of Iowa.

Attest:

MATT SCHULTZ,  
Secretary of State.

[State Seal Affixed]

#### STATE OF MINNESOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, 2014, Al Franken was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Mark Dayton, and our seal hereto affixed at Saint Paul, Minnesota this 19th day of December, in the year of our Lord 2014.

By the Governor:

MARK DAYTON,  
Governor.  
MARK RITCHIE,  
Secretary of State.

[State Seal Affixed]

#### STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, 2014, Cory Gardner was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2015.

Witness: His Excellency our Governor John Hickenlooper, and our seal hereto affixed at Denver, Colorado this eighth day of December, in the year of our Lord 2014.

By the Governor:

JOHN HICKENLOOPER,  
Governor.  
SCOTT GESSLER,  
Secretary of State.

[State Seal Affixed]

#### THE STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November A.D. 2014 Lindsey Graham was duly chosen by the qualified electors of the State of South Carolina a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning on the third day of January 2015.

Witness: Her excellency our Governor Nikki R. Haley and our seal hereto affixed at

Columbia, South Carolina, this twenty-fourth day of November in the year of our Lord 2014.

NIKKI R. HALEY,  
*Governor.*  
MARK HAMMOND,  
*Secretary of State.*

[State Seal Affixed]

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Jim Inhofe was duly chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent Oklahoma in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: Her Excellency our Governor Mary Fallin, and our seal hereto affixed at Oklahoma City, Oklahoma this 12th day of November, in the year of our Lord 2014.

By the Governor:

MARY FALLIN,  
*Governor.*  
CHRIS BENGE,  
*Secretary of State.*

[State Seal Affixed]

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR AN UNEXPIRED TERM

*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, James Lankford was duly chosen by the qualified electors of the State of Oklahoma a Senator for the unexpired term ending at noon on the 3rd day of January, 2017, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Tom Coburn.

Witness: Her Excellency our Governor Mary Fallin, and our seal hereto affixed at Oklahoma City, Oklahoma this 1st day of December, in the year of our Lord 2014.

By the Governor:

MARY FALLIN,  
*Governor.*  
CHRIS BENGE,  
*Secretary of State.*

[State Seal Affixed]

THE COMMONWEALTH OF MASSACHUSETTS

*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, two thousand and fourteen Edward J. Markey was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and fifteen.

Witness: His Excellency the Governor, Deval L. Patrick, and Our Great Seal hereto affixed at Boston, this third day of December in the year of Our Lord two thousand and fourteen.

By His Excellency the Governor:

DEVAL PATRICK,  
*Governor.*

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

[State Seal Affixed]

COMMONWEALTH OF KENTUCKY

Steven L. Beshear  
*Governor*

To all Whom These Presents Shall Come, Greeting: Know Ye That Honorable Mitch McConnell having been duly certified, that

on November 4, 2014 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning the 3rd day of January 2015.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 18th day of November in the year of our Lord two thousand and fourteen and in the 223rd year of the Commonwealth.

By the Governor:

STEVE BESHEAR,  
*Governor.*  
ALISON LUNDERGAN GRIMES,  
*Secretary of State.*

[State Seal Affixed]

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Jeff Merkley was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our Governor, John Kitzhaber, and our seal hereto affixed at Salem, Oregon this 4th day of December, 2014.

JOHN A KITZHABER, MD,  
*Governor.*  
KATE BROWN,  
*Secretary of State.*

[State Seal Affixed]

STATE OF GEORGIA

By His Excellency  
Nathan Deal

*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, David Alfred Perdue, Jr. was duly chosen by the qualified electors of the State of Georgia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our Governor Nathan Deal, and the Great Seal of the State of Georgia hereto affixed at the Capitol, in the city of Atlanta, the tenth day of November, in the year of our Lord Two Thousand and Fourteen.

By the Governor:

NATHAN DEAL,  
*Governor.*  
BRIAN P. KEMP,  
*Secretary of State.*

[State Seal Affixed]

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Gary Peters was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Given under my hand and the Great Seal of the state of Michigan this 1st day of Decem-

ber, in the Year of our Lord Two Thousand Fourteen.

By the Governor:

RICHARD D. SNYDER,  
*Governor.*  
RUTH JOHNSON,  
*Secretary of State.*

[State Seal Affixed]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CERTIFICATE OF ELECTION

*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, John F. Reed was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His Excellency our Governor Lincoln D. Chafee, and our seal hereto affixed at this 20th day of November, in the year of our Lord 2014.

By the Governor:

LINCOLN D. CHAFEE,  
*Governor.*  
A. RALPH MOLLIS,  
*Secretary of State.*

[State Seal Affixed]

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, James E. Risch was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor C.L. "Butch" Otter, and our seal hereto affixed at Boise this 19th day of November, in the year of our Lord 2014.

By the Governor:

C.L. "BUTCH" OTTER,  
*Governor.*  
BEN YSURSA,  
*Secretary of State.*

[State Seal Affixed]

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Pat Roberts was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Sam Brownback, and our seal hereto affixed at Topeka, Kansas this 26th day of November, in the year of our Lord 2014.

By the governor:

SAM BROWNBACK,  
*Governor.*  
KRIS W. KOBACH,  
*Secretary of State.*

[State Seal Affixed]

STATE OF SOUTH DAKOTA  
Office of the Secretary of State

CERTIFICATE OF ELECTION

This is to Certify that on the fourth day of November, 2014, at a general election, Mike Rounds was elected by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six

years, beginning on the third day of January, 2015.

In Witness Whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 13th day of November, 2014.

DENNIS DAUGAARD,  
Governor.

Attested by:

JASON GANT,  
Secretary of State.

[State Seal Affixed]

#### STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the United States:*

This is to certify that on the 4th day of November, 2014, Ben Sasse was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His Excellency our Governor Dave Heineman, and our seal hereto affixed at 1:26 p.m. this 1st day of December, in the year of our Lord 2014.

DAVE HEINEMAN,  
Governor.  
JOHN A. GALE,  
Secretary of State.

[State Seal Affixed]

#### STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Jefferson B. Sessions, III, was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Robert Bentley, and our seal hereto affixed at Montgomery this 24th day of November, in the year of our Lord 2014.

By the Governor:

ROBERT BENTLEY,  
Governor.  
JIM BENNETT,  
Secretary of State.

[State Seal Affixed]

#### STATE OF NEW HAMPSHIRE Executive Department

*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, two thousand and fourteen Jeanne Shaheen was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two thousand and fifteen.

Witness, Her Excellency, Governor Margaret Wood Hassan and the Seal of the State of New Hampshire hereto affixed at Concord, this third day of December, in the year of Our Lord two thousand and fourteen.

By the Governor, with advice of the Council:

MARGARET WOOD HASSAN,  
Governor.  
WILLIAM M. GARDNER,  
Secretary of State.

[State Seal Affixed]

#### STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Dan Sullivan was duly chosen

by the qualified electors of the State of Alaska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Sean R. Parnell, and our seal hereto affixed at Juneau this 1st day of December, in the year of our Lord 2014.

By the Governor:

SEAN R. PARNELL,  
Governor.

By the Lieutenant Governor:

MEAD TREADWELL,  
Lieutenant Governor.

[State Seal Affixed]

#### STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Thomas Roland Tillis was duly chosen by the qualified electors of the State of North Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

In witness whereof, I have hereunto signed my name and caused to be affixed the Great Seal of the State, at the Capital City of Raleigh this the 1st day of December, 2014.

PAT MCCRORY,  
Governor.

ELAINE F. MARSHALL,  
Secretary of State.

[State Seal Affixed]

#### THE CANVASSING BOARD OF THE STATE OF NEW MEXICO

*To the President of the Senate of the United States:*

This is to certify that on the 9th day of December, 2014, Tom Udall was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2015.

Witness: Her excellency our governor Susana Martinez, and our seal hereto affixed at Santa Fe, NM this 9th day of December, in the year of our Lord 2014.

SUSANA MARTINEZ,  
Governor.

DIANNA DURAN,  
Secretary of State.

[State Seal Affixed]

#### COMMONWEALTH OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 4th day of November, 2014, Mark R. Warner was duly chosen by the qualified electors of the State of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2015.

Witness: His excellency our governor Terence R. McAuliffe, and our seal hereto affixed at Richmond, Virginia this 10th day of December, in the year of our Lord 2014.

TERRY MCAULIFFE,  
Governor of Virginia.

LEVAR STONEY,  
Secretary of the Commonwealth.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present

themselves at the desk in groups of four as their names are called in alphabetical order the Chair will administer the oath of office.

The clerk will read the names of the first group of Senators.

The legislative clerk called the names of Mr. ALEXANDER of Tennessee, Mr. BOOKER of New Jersey, Mrs. CAPITO of West Virginia, and Mr. CASSIDY of Louisiana.

These Senators, escorted by Mr. Frist, Mr. Brock, Mr. CORKER, Mr. MENENDEZ, and Mr. MANCHIN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the second group of Senators.

The legislative clerk called the names of Mr. COCHRAN of Mississippi, Ms. COLLINS of Maine, Mr. COONS of Delaware, and Mr. CORNYN of Texas.

These Senators, escorted by Mr. WICKER, Mr. KING, Mr. CRUZ, and Mr. CARPER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. COTTON of Arkansas, Mr. DAINES of Montana, Mr. DURBIN of Illinois, and Mr. ENZI of Wyoming.

These Senators, escorted by Mr. BOOZMAN, Mr. TESTER, Mr. Levin, Mr. KIRK, and Mr. BARRASSO, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mrs. ERNST of Iowa, Mr. FRANKEN of Minnesota, Mr. GARDNER of Colorado, and Mr. GRAHAM of South Carolina.

These Senators, escorted by Mr. GRASSLEY, Mr. Harkin, Ms. KLOBUCHAR, Vice President Mondale, Mr. BENNET, and Mr. SCOTT, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. INHOFE of Oklahoma, Mr. LANKFORD of Oklahoma, Mr. MARKEY of Massachusetts, and Mr. MCCONNELL of Kentucky.

These Senators, escorted by Ms. WARREN and Mr. PAUL, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. MERKLEY of Oregon, Mr. PERDUE of Georgia, Mr. PETERS of Michigan, and Mr. REED of Rhode Island.

These Senators, escorted by Mr. Harkin, Mr. Chambliss, Mr. ISAKSON, Ms. STABENOW, Mr. Levin, and Mr. WHITEHOUSE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. RISCH of Idaho, Mr. ROBERTS of Kansas, Mr. ROUNDS of South Dakota, and Mr. SASSE of Nebraska.

These Senators, escorted by Mr. CRAPO, Mr. THUNE, Mr. JOHNSON, and Mrs. FISCHER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. SESSIONS of Alabama, Mrs. SHAHEEN of New Hampshire, Mr. SULLIVAN of Alaska, and Mr. TILLIS of North Carolina.

These Senators, escorted by Mr. SHELBY, Ms. AYOTTE, Ms. MURKOWSKI, and Mr. BURR, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the final group of Senators.

The legislative clerk called the names of Mr. UDALL of New Mexico and Mr. WARNER of Virginia.

These Senators, escorted by Mr. HEINRICH and Mr. KAINE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

#### RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

#### QUORUM CALL

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Alexander	Fischer	Nelson
Ayotte	Flake	Paul
Baldwin	Franken	Perdue
Barrasso	Gardner	Peters
Bennet	Graham	Portman
Blunt	Grassley	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Burr	Hirono	Rounds
Cantwell	Hoeven	Rubio
Capito	Inhofe	Sanders
Cardin	Isakson	Sasse
Carper	Johnson	Schatz
Casey	Kaine	Schumer
Cassidy	King	Scott
Coats	Kirk	Sessions
Cochran	Klobuchar	Shaheen
Collins	Lankford	Shelby
Coons	Leahy	Stabenow
Corker	Lee	Sullivan
Cornyn	Manchin	Tester
Cotton	Markey	Thune
Crapo	McCain	Tillis
Cruz	McConnell	Udall
Daines	Menendez	Vitter
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Enzi	Murkowski	Whitehouse
Ernst	Murphy	Wicker
Feinstein	Murray	

The VICE PRESIDENT. A quorum is present.

#### LIST OF SENATORS BY STATES

Alabama—Richard C. Shelby and Jeff Sessions  
 Alaska—Lisa Murkowski and Dan Sullivan  
 Arizona—John McCain and Jeff Flake  
 Arkansas—John Boozman and Tom Cotton  
 California—Dianne Feinstein and Barbara Boxer  
 Colorado—Michael F. Bennet and Cory Gardner  
 Connecticut—Richard Blumenthal and Christopher Murphy  
 Delaware—Thomas R. Carper and Christopher A. Coons

Florida—Bill Nelson and Marco Rubio

Georgia—Johnny Isakson and David Perdue

Hawaii—Brian Schatz and Mazie Hirono

Idaho—Mike Crapo and James E. Risch

Illinois—Richard J. Durbin and Mark Kirk

Indiana—Daniel Coats and Joe Donnelly

Iowa—Chuck Grassley and Joni Ernst

Kansas—Pat Roberts and Jerry Moran

Kentucky—Mitch McConnell and Rand Paul

Louisiana—David Vitter and Bill Cassidy

Maine—Susan M. Collins and Angus S. King, Jr.

Maryland—Barbara A. Mikulski and Benjamin L. Cardin

Massachusetts—Elizabeth Warren and Edward J. Markey

Michigan—Debbie Stabenow and Gary C. Peters

Minnesota—Amy Klobuchar and Al Franken

Mississippi—Thad Cochran and Roger F. Wicker

Missouri—Claire McCaskill and Roy Blunt

Montana—Jon Tester and Steve Daines

Nebraska—Deb Fischer and Ben Sasse

Nevada—Harry Reid and Dean Heller

New Hampshire—Jeanne Shaheen and Kelly Ayotte

New Jersey—Robert Menendez and Cory A. Booker

New Mexico—Tom Udall and Martin Heinrich

New York—Charles E. Schumer and Kirsten E. Gillibrand

North Carolina—Richard Burr and Thom Tillis

North Dakota—John Hoeven and Heidi Heitkamp

Ohio—Sherrod Brown and Rob Portman

Oklahoma—James M. Inhofe and James Lankford

Oregon—Ron Wyden and Jeff Merkley

Pennsylvania—Robert P. Casey, Jr. and Patrick J. Toomey

Rhode Island—Jack Reed and Sheldon Whitehouse

South Carolina—Lindsey Graham and Tim Scott

South Dakota—John Thune and Mike Rounds

Tennessee—Lamar Alexander and Bob Corker

Texas—John Cornyn and Ted Cruz

Utah—Orrin G. Hatch and Mike Lee

Vermont—Patrick J. Leahy and Bernard Sanders

Virginia—Mark R. Warner and Tim Kaine

Washington—Patty Murray and Maria Cantwell

West Virginia—Joe Manchin III and Shelley Moore Capito

Wisconsin—Ron Johnson and Tammy Baldwin

Wyoming—Michael B. Enzi and John Barrasso

#### RECOGNITION OF THE ACTING MINORITY LEADER

The VICE PRESIDENT. The acting Democratic leader is recognized.

#### ABSENCE OF DEMOCRATIC LEADER

Mr. DURBIN. Mr. President, the Democratic leader is necessarily absent. I will be acting in his stead until his return.

#### INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS AS- SEMBLED

Mr. MCCONNELL. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) reads as follows:

##### S. RES. 1

*Resolved*, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Pursuant to S. Res. 1, the Chair appoints the Senator from Kentucky, Mr. MCCONNELL, and the Senator from Illinois, Mr. DURBIN, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and the Congress is ready to receive any communication that he may be pleased to make.

#### INFORMING THE HOUSE OF REP- RESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MCCONNELL. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) reads as follows:

##### S. RES. 2

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. MCCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ELECTING ORRIN G. HATCH TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. MCCONNELL. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) to elect ORRIN G. HATCH, a Senator from the State of Utah, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 3) reads as follows:

##### S. RES. 3

*Resolved*, That Orrin G. Hatch, a Senator from the State of Utah, be, and he is hereby, elected President of the Senate pro tempore.

Mr. MCCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Senator HATCH will be escorted to the desk.

Senator ORRIN G. HATCH, escorted by Mr. MCCONNELL and Mr. LEAHY, respectively, advanced to the desk of the Vice President, and the oath prescribed by law was administered to him by the Vice President.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

#### NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE

Mr. MCCONNELL. I have a resolution at the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 4) reads as follows:

##### S. RES. 4

*Resolved*, That the President of the United States be notified of the election of the Honorable Orrin G. Hatch as President of the Senate pro tempore.

Mr. MCCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOTIFYING THE HOUSE OF REP- RESENTATIVES OF THE ELEC- TION OF A PRESIDENT PRO TEM- PORE OF THE UNITED STATES SENATE

Mr. MCCONNELL. I have a resolution at the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the House of Representatives of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 5) reads as follows:

##### S. RES. 5

*Resolved*, That the House of Representatives be notified of the election of the Honorable Orrin G. Hatch as President of the Senate pro tempore.

Mr. MCCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE PATRICK J. LEAHY FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DES- IGNATE SENATOR LEAHY AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. MCCONNELL. I have a resolution at the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) expressing the thanks of the Senate to the Honorable PATRICK J. LEAHY for his service as President Pro Tempore of the United States Senate and to designate Senator LEAHY as President Pro Tempore Emeritus of the United States Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 6) reads as follows:

## S. RES. 6

*Resolved*, That the United States Senate expresses its deepest gratitude to Senator Patrick J. Leahy for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Patrick J. Leahy is hereby designated President Pro Tempore Emeritus of the United States Senate.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) fixing the hour of daily meeting of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 7) reads as follows:

## S. RES. 7

*Resolved*, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ELECTING JULIE ADAMS AS SECRETARY OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 8) electing Julie Adams as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 8) reads as follows:

## S. RES. 8

*Resolved*, That Julie E. Adams of Iowa be, and she is hereby, elected Secretary of the Senate.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Julie E. Adams, escorted by Mr. McCONNELL, advanced to the desk of

the Vice President, and the oath prescribed by law was administered to her by the President pro tempore.

(Applause, Senators rising.)

#### NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk and ask that it be considered.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the President of the United States of the election of the Secretary of the Senate.

The PRESIDENT PRO TEMPORE. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 9) reads as follows:

## S. RES. 9

*Resolved*, That the President of the United States be notified of the election of the Honorable Julie E. Adams as Secretary of the Senate.

#### NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) notifying the House of Representatives of the election of the Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 10) was agreed to, as follows:

## S. RES. 10

*Resolved*, That the House of Representatives be notified of the election of the Honorable Julie E. Adams as Secretary of the Senate.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ELECTING FRANK J. LARKIN AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) electing Frank Larkin as Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 11) reads as follows:

## S. RES. 11

*Resolved*, That Frank J. Larkin of Maryland be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 12) reads as follows:

## S. RES. 12

*Resolved*, That the President of the United States be notified of the election of the Honorable Frank J. Larkin as Sergeant at Arms and Doorkeeper of the Senate.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 13) reads as follows:

## S. RES. 13

*Resolved*, That the House of Representatives be notified of the election of the Honorable Frank J. Larkin as Sergeant at Arms and Doorkeeper of the Senate.



Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ELECTING LAURA C. DOVE AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. McCONNELL. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 14) electing Laura C. Dove, of Virginia, as Secretary for the Majority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 14) reads as follows:

##### S. RES. 14

*Resolved*, That Laura C. Dove of Virginia be, and she is hereby, elected Secretary for the Majority of the Senate.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ELECTING GARY B. MYRICK AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DURBIN. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 15) electing Gary B. Myrick, of Virginia, as Secretary for the Minority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 15) reads as follows:

##### S. RES. 15

*Resolved*, That Gary B. Myrick of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

Mr. DURBIN. I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### APPOINTMENT OF SENATE LEGAL COUNSEL

The PRESIDENT pro tempore. The President pro tempore, pursuant to Public Law 95-521, appoints Patricia Mack Bryan as Senate legal counsel for

a term of service to expire at the end of the 115th Congress.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) to make effective appointment of Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 16) reads as follows:

##### S. RES. 16

That the appointment of Patricia Mack Bryan of Virginia to be Senate Legal Counsel made by the President pro tempore this day, is effective as of January 3, 2015, and the term of service of the appointee shall expire at the end of the One Hundred Fifteenth Congress.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

The PRESIDENT pro tempore. The President pro tempore, pursuant to Public Law 95-521, appoints Morgan J. Frankel as deputy Senate legal counsel for a term of service to expire at the end of the 115th Congress.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 17) to make effective appointment of Deputy Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 17) reads as follows:

##### S. RES. 17

That the appointment of Morgan J. Frankel of the District of Columbia to be Deputy Senate Legal Counsel, made by the President pro tempore this day, is effective as of January 3, 2015, and the term of service of the appointee shall expire at the end of the One Hundred Fifteenth Congress.

Mr. McCONNELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### UNANIMOUS CONSENT AGREEMENTS

Mr. McCONNELL. Mr. President, I send to the desk, en bloc, 11 unanimous consent requests and I ask for their immediate consideration, en bloc, and the motion to reconsider the adoption of these requests be laid upon the table, and that they appear separately in the RECORD.

Before the Chair rules, I would like to point out that these requests are routine and done at the beginning of each new Congress.

Mr. President, I ask unanimous consent that for the duration of the 114th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 114th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 114th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 114th Congress to file reports during the adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 114th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and joint resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that, for the duration of the 114th Congress, when the Senate is in recess or adjournment the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting



President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that, for the duration of the 114th Congress, Senators be allowed to leave at the desk with the Journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate staff members as space allows.

Mr. President, I ask unanimous consent that, for the duration of the 114th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. President, I ask unanimous consent that, for the duration of the 114th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions and simple resolutions, for referral to appropriate committees.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### WELCOMING MEMBERS OF THE SENATE AND WISHING SENATOR REID A SPEEDY RECOVERY

Mr. McCONNELL. Mr. President, today is an important day for our country. Many Senators took the oath this afternoon—13 for the first time—and the new Republican majority accepted its new responsibility. We recognize the enormity of the task before us. We know a lot of hard work awaits. We know many important opportunities await as well.

I am really optimistic about what we can accomplish. I will have much more to say about that tomorrow. For now, I just want to welcome back all of our returning Members. I want to congratulate the many new ones, and I want to say a word about our colleague from Nevada.

Senator REID is a former boxer. He is tough. I know he will be back in fighting form soon enough. We all wish him a speedy recovery and I wish him the very best.

To all of you, enjoy the ceremonies today. Tomorrow is back to work.

I yield the floor.

The PRESIDENT pro tempore. The acting minority leader.

#### THE NEW CONGRESS

Mr. DURBIN. Mr. President, I thank the majority leader for those kind words. I am happy to report the Democratic leader of the Senate, Senator REID, is making a speedy recovery from his New Year's run-in with some exercise equipment. His face and ribs are still sore. He is eager to get back to work. We met with him this morning, and we can expect him back in the Senate very soon.

In the meantime, it is a privilege on behalf of the Democratic Caucus to

welcome our old colleagues back to work and welcome our new colleagues and their families to the U.S. Senate. I also want to wish Leader McCONNELL, as he takes up the new duties of the majority leader, the very best. Senator Dirksen was a Senator from my home State of Illinois who served as a Republican leader of the Senate from 1959 to 1969. He famously said, "I am a man of fixed and unbending principles, the first of which is to be flexible at all times."

That may sound comical, even contradictory. But Senator Dirksen's ability on flexible tactics and firmness on principles helped produce historic legislation such as the Civil Rights Act of 1964, one of the greatest achievements in our Nation's history. I am sure we all will remember that with fondness and pride.

The American people need us to work together to solve problems and create opportunities. For their sake, let us all try to remember that what we are about is honorable compromise. The Constitution of the United States and the Senate itself are the results of just such a compromise.

One other point. One hundred years ago this week, an American industrialist and entrepreneur stunned the world by announcing he would start paying his workers double the industry average and cut the hours. That man, of course, was Henry Ford. He committed to pay his workers a minimum wage.

As we begin this new Congress, let us dedicate ourselves to the working men and women across America, the taxpayers of this country, and the men and women which we so proudly serve. I hope that we will show flexibility and principle. We can't solve America's challenges with the same old thinking. We have to address the problems with mutual respect and with a positive attitude.

I look forward to, on this side of the aisle, working with Senator REID and my colleagues to achieve that end.

Congratulations to Leader McCONNELL.

#### UNANIMOUS CONSENT REQUEST—ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. McCONNELL. I thank my friend the acting minority leader. We are anxious to get to work here. In that regard, I ask unanimous consent that it be in order for the Energy and Natural Resources Committee to meet on January 7, tomorrow, for the purpose of hearing testimony on the Keystone Pipeline; that the meeting be chaired by Senator MURKOWSKI, with Senator CANTWELL as ranking member; that the following Senators not currently serving on the committee be considered Members of the committee for the purpose of this meeting: Senators DAINES, CASSIDY, GARDNER, CAPITO, HIRONO, KING, and WARREN; I further ask that the meeting be considered to comport

with all Senate rules relating to the conduct of committees and that customary and authorized expenses be permitted.

The PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object. Under the traditions and rules of the Senate, all of the Senate committees are organized in a resolution, which we anticipate will be offered tomorrow for the organization of the committee structure of the U.S. Senate.

I say to the majority leader, we will continue this conversation in a positive manner in an effort to come up with a mutually agreeable approach to consider this legislation and others, but for that reason I must object.

The PRESIDENT pro tempore. Objection is heard.

Mr. McCONNELL. If I may, let me just say again, nobody's rights would have been in any way impaired by going forward a day earlier. We are going to pass the committee resolution tomorrow. We all know that one of the things the Senate is best at is not doing much. I hope we can work this out so we can get started. Everyone knows the first measure that is going to be up is going to come out of the energy committee. I would say to my friends on the minority side, it is open for amendment. Why don't we get started? Hopefully Senator MURKOWSKI and Senator CANTWELL can work through this and we can get going and do the people's business. We are anxious to get started.

#### MORNING BUSINESS

##### REMEMBERING SYLVIA GARCIA RICKARD

Mr. HATCH. Mr. President, it is with a heavy heart that I rise to convey to my colleagues news of the tragic death of Sylvia Rickard—one of the Nation's top breast cancer advocates—a woman so full of life and joy, so deeply immersed in the science of her passion, that it is impossible to imagine this sad, sad occurrence.

Sylvia was truly an amazing person who touched many lives. I first met Sylvia when she visited my office so many years ago to educate me on the need for more breast cancer research, for better breast cancer screening, and for better patient navigation. Sylvia, herself a two-time survivor of breast cancer, and later of ocular melanoma, made sure that my staff and I, and indeed all of the Utah and Idaho delegations, regardless of party, were kept apprised of the latest developments in breast cancer research. She patiently walked us through the science behind the research—a science she made it her business to know in great detail.

Sylvia was such a good advocate because she had fought this dread disease, and won. Not once, but twice.

Moreover, Sylvia, and her husband Rick, became friends to all—to me, my staff, and to my former staff—here in Washington, and in our beloved State of Utah. She always had a smile and a hug for everyone.

Sylvia made it her business not just to talk the talk, but also to walk the walk. She was a past president of the Women's State Legislative Council in Utah, a bipartisan group of women who meet to discuss issues of importance to Utah and the Nation. She also was the founder of the Utah Breast Cancer Network, and the president of the Hispanic Health Care Task Force in Utah. Sylvia became involved in building awareness at the local level, as well as the national level. Indeed, she was very proud to have been selected to be an advisor to the National Institutes of Health—a remarkable recognition of her top-ranked talent. She was involved at all levels in advocating for better biomedical research, better support for that research, and for a non-partisan, commonsense approach to a disease that is now expected to affect one in eight women over their lifetimes.

I recall the twinkle in Sylvia's eye when top experts at the Huntsman Cancer Center in Salt Lake City sought her knowledge about eye cancer, after she was treated successfully. She had found a surgeon in another State who could treat her without the certain loss of her eye, and she helped to connect the physicians so they could learn from each other.

It was a great loss to Utah when Rick Rickard built Sylvia the house of their dreams for retirement in Boise, ID this past fall. But we were all happy they had achieved their dream. I heard she was absolutely delighted to cook in her new kitchen. I am so pleased she at least got to spend a few months in their new home, one they had worked for so hard over so many years finally to achieve.

So our hearts go out to the Rickard and Garcia families, to Sylvia and Rick's two sons, Richard, Jr. and David, and to the many millions of others whose lives have been made better by the significant achievements of my friend, Sylvia Rickard.

#### MESSAGES FROM THE HOUSE SUBSEQUENT TO SINE DIE ADJOURNMENT

##### ENROLLED BILLS SIGNED

Under the order of the Senate of January 3, 2013, the Secretary of the Senate, on December 17, 2014, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bills:

H.R. 1206. An act to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

H.R. 1378. An act to designate the United States Federal Judicial Center located at 333

West Broadway in San Diego, California, as the "John Rhoades Federal Judicial Center" and to designate the United States courthouse located at 333 West Broadway in San Diego, California, as the "James M. Carter and Judith N. Keep United States Courthouse".

H.R. 2754. An act to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes.

H.R. 3027. An act to designate the facility of the United States Postal Service located at 442 Miller Valley Road in Prescott, Arizona, as the "Barry M. Goldwater Post Office".

H.R. 3572. An act to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units.

H.R. 3979. An act to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 4276. An act to extend and modify a pilot program on assisted living services for veterans with traumatic brain injury.

H.R. 4416. An act to redesignate the facility of the United States Postal Service located at 161 Live Oak Street in Miami, Arizona, as the "Staff Sergeant Manuel V. Mendoza Post Office Building".

H.R. 4651. An act to designate the facility of the United States Postal Service located at 601 West Baker Road in Baytown, Texas, as the "Specialist Keith Erin Grace, Jr. Memorial Post Office".

H.R. 5050. An act to repeal the Act of May 31, 1918, and for other purposes.

H.R. 5185. An act to reauthorize the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009.

H.R. 5331. An act to designate the facility of the United States Postal Service located at 73839 Gorgonio Drive in Twentynine Palms, California, as the "Colonel M.J. 'Mac' Dube, USMC Post Office Building".

H.R. 5562. An act to designate the facility of the United States Postal Service located at 801 West Ocean Avenue in Lompoc, California, as the "Federal Correctional Officer Scott J. Williams Memorial Post Office Building".

H.R. 5687. An act to designate the facility of the United States Postal Service located at 101 East Market Street in Long Beach, California, as the "Juanita Millender-McDonald Post Office".

H.R. 5816. An act to extend the authorization for the United States Commission on International Religious Freedom.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bills were signed on December 17, 2014, subsequent to sine die adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

Under the authority of the order of the Senate of January 3, 2013, the enrolled bill (H.R. 3979) was signed on December 18, 2014, subsequent to sine die adjournment of the Senate, by the Acting President pro tempore (Mr. LEVIN).

##### ENROLLED BILLS SIGNED

Under the order of the Senate of January 3, 2013, the Secretary of the Senate, on December 18, 2014, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bills:

H.R. 1068. An act to enact title 54, United States Code, "National Park Service and Related Programs", as positive law.

H.R. 2901. An act to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005 by improving the capacity of the United States Government to implement, leverage, and monitor and evaluate programs to provide first-time or improved access to safe drinking water, sanitation, and hygiene to the world's poorest on an equitable and sustainable basis, and for other purposes.

H.R. 3608. An act to amend the Act of October 19, 1973, concerning taxable income to members of the Grand Portage Band of Lake Superior Chippewa Indians.

H.R. 4030. An act to designate the facility of the United States Postal Service located at 18640 NW 2nd Avenue in Miami, Florida, as the "Father Richard Marquess-Barry Post Office Building".

H.R. 5771. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bills were signed on December 18, 2014, subsequent to sine die adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1. A bill to approve the Keystone XL Pipeline.

#### MEASURES HELD OVER/UNDER RULE

The following resolutions were read, and held over, under the rule:

S. Res. 18. A resolution making majority party appointments for the 114th Congress.

S. Res. 20. A resolution limiting certain uses of the filibuster in the Senate to improve the legislative process.

#### ENROLLED BILLS PRESENTED, 113TH CONGRESS

The Secretary of the Senate reported that on December 17, 2014, she had presented to the President of the United States the following enrolled bills:

S. 2338. An act to reauthorize the United States Anti-Doping Agency, and for other purposes.

S. 3008. An act to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOEVEN (for himself, Mr. MANCHIN, Ms. MURKOWSKI, Mr. DONNELLY, Mr. MCCONNELL, Ms.

HEITKAMP, Mr. THUNE, Mr. TESTER, Mr. BARRASSO, Mrs. MCCASKILL, Mr. BLUNT, Mr. WARNER, Mr. GRAHAM, Mr. HATCH, Mr. WICKER, Mr. SHELBY, Mr. JOHNSON, Mr. CORNYN, Mr. CRUZ, Mr. ISAKSON, Mr. KIRK, Mr. PORTMAN, Mr. HELLER, Mr. FLAKE, Mr. RUBIO, Mr. ROBERTS, Mr. INHOFE, Mr. TOOMEY, Mr. BOOZMAN, Mr. RISCHEY, Mr. MORAN, Mr. SCOTT, Mr. LEE, Ms. COLLINS, Mr. BURR, Mr. ALEXANDER, Mr. CORKER, Mr. CRAPO, Mrs. FISCHER, Mr. VITTER, Mr. GRASSLEY, Mr. COATS, Mr. MCCAIN, Mr. SESSIONS, Mr. COCHRAN, Mr. ENZI, Mr. PAUL, Ms. AYOTTE, Mr. DAINES, Mr. COTTON, Mr. CASSIDY, Mr. ROUNDS, Mr. SULLIVAN, Mr. LANKFORD, Mrs. CAPITO, Mr. GARDNER, Mr. PERDUE, Mrs. ERNST, Mr. TILLIS, and Mr. SASSE):

S. 1. A bill to approve the Keystone XL Pipeline; read the first time.

By Mr. BLUNT (for himself, Mr. BOOZMAN, Mr. COATS, Mr. CRAPO, Mr. INHOFE, Mr. JOHNSON, Ms. MURKOWSKI, Mr. ROBERTS, Mrs. FISCHER, Ms. AYOTTE, Mr. ENZI, Mr. GRAHAM, Mr. ISAKSON, Mr. CORNYN, Mr. HATCH, Mr. MORAN, Mr. SCOTT, Mr. COCHRAN, and Mr. PAUL):

S. 11. A bill to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Ms. AYOTTE, Mr. BOOZMAN, Mr. BURR, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. ENZI, Mrs. FISCHER, Mr. HATCH, Mr. KIRK, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PORTMAN, Mr. ROBERTS, Mr. SCOTT, Mr. THUNE, Mr. TOOMEY, Mr. INHOFE, Mr. VITTER, and Mr. HOEVEN):

S. 12. A bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. HATCH:

S. 13. A bill to establish the Hurricane Sand Dunes National Recreation Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 14. A bill to authorize the Secretary of the Interior to convey certain interest in Federal land acquired for the Scofield Project in Carbon County, Utah; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 15. A bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself and Mr. CRUZ):

S. 16. A bill to amend the Patient Protection and Affordable Care Act to apply the provisions of the Act to certain Congressional staff and members of the executive branch; to the Committee on Finance.

By Mr. VITTER (for himself and Mrs. MCCASKILL):

S. 17. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 18. A bill to prohibit authorized committees and leadership PACs from employing

the spouse or immediate family members of any candidate or Federal office holder connected to the committee; to the Committee on Rules and Administration.

By Mr. VITTER:

S. 19. A bill to appropriately manage the debt of the United States by limiting the use of extraordinary measures; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 20. A bill to establish a procedure to safeguard the Social Security Trust Funds; to the Committee on the Budget.

By Mr. VITTER:

S. 21. A bill to ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 22. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. MARKEY, Mr. COONS, Mr. WHITEHOUSE, Mr. FRANKEN, and Mrs. BOXER):

S. 23. A bill to amend title 17, United States Code, with respect to the definition of "widow" and "widower", and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. LEE):

S. 24. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 25. A bill to improve the coordination of export promotion programs and to facilitate export opportunities for small businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. BROWN, Mr. MERKLEY, and Mr. COONS):

S. 26. A bill to amend title 10, United States Code, to require contracting officers to consider information regarding domestic employment before awarding a Federal defense contract, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. GRAHAM):

S. 27. A bill to make wildlife trafficking a predicate offense under racketeering and money laundering statutes and the Travel Act, to provide for the use for conservation purposes of amounts from civil penalties, fines, forfeitures, and restitution under such statutes based on such violations, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. LEAHY, Mrs. MURRAY, Mr. UDALL, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 28. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr.

UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 29. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. DONNELLY, Ms. MURKOWSKI, and Mr. MANCHIN):

S. 30. A bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. SANDERS, Mrs. SHAHEEN, Mr. KAINE, Mr. KING, and Mr. BLUMENTHAL):

S. 31. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. UDALL, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. GRASSLEY, and Ms. HEITKAMP):

S. 32. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. HEINRICH, Mr. GARDNER, Ms. HEITKAMP, Mr. HOEVEN, Mr. KAINE, Mrs. CAPITO, and Mr. BENNET):

S. 33. A bill to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S. 34. A bill to prohibit assistance to the Palestinian Authority until it withdraws its request to join the International Criminal Court; to the Committee on Foreign Relations.

By Mr. TESTER (for himself and Mr. DAINES):

S. 35. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself, Mrs. SHAHEEN, Ms. AYOTTE, Mr. SCHUMER, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mrs. BOXER, Mr. PORTMAN, and Mr. WHITEHOUSE):

S. 36. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mr. REED (for himself and Mr. BROWN):

S. 37. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for State accountability in the provision of access to the core resources for learning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. JOHNSON, Mr. TOOMEY, Mr. LEE, Mr. RUBIO, Mr. CRUZ, Mrs. FISCHER, Mr. SASSE, Mr. PERDUE, and Mr. DAINES):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. LEE:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the

United States requiring that the Federal budget be balanced; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. McCONNELL:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. McCONNELL:

S. Res. 3. A resolution to elect Orrin G. Hatch, a Senator from the State of Utah, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. McCONNELL:

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. McCONNELL:

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. McCONNELL (for Mr. REID):

S. Res. 6. A resolution expressing the thanks of the Senate to the Honorable PATRICK J. LEAHY for his service as President Pro Tempore of the United States Senate and to designate Senator LEAHY as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 7. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 8. A resolution electing Julie Adams as Secretary of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 9. A resolution notifying the President of the United States of the election of the Secretary of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 10. A resolution notifying the House of Representatives of the election of the Secretary of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 11. A resolution electing Frank Larkin as Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 12. A resolution notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 13. A resolution notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 14. A resolution electing Laura C. Dove, of Virginia, as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. DURBIN (for Mr. REID):

S. Res. 15. A resolution electing Gary B. Myrick, of Virginia, as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. REID):

S. Res. 16. A resolution to make effective appointment of Senate Legal Counsel; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. REID):

S. Res. 17. A resolution to make effective appointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. McCONNELL:

S. Res. 18. A resolution making majority party appointments for the 114th Congress; submitted and read.

By Mr. McCONNELL (for himself, Mr. REID, Ms. WARREN, Mr. MARKEY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 19. A resolution relative to the death of Edward W. Brooke, III, former United States Senator for the Commonwealth of Massachusetts; considered and agreed to.

By Mr. UDALL (for himself, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. HEINRICH, Mrs. SHAHEEN, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. Res. 20. A resolution limiting certain uses of the filibuster in the Senate to improve the legislative process; submitted and read.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. MARKEY, Mr. COONS, Mr. WHITEHOUSE, Mr. FRANKEN, and Mrs. BOXER):

S. 23. A bill to amend title 17, United States Code, with respect to the definition of "widow" and "widower", and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, over the past few years we have seen remarkable progress in one of the defining civil rights issues of our era—ensuring that all lawfully married couples are treated equally under the law. In 2011, when I chaired the first Congressional hearing to repeal the Defense of Marriage Act, only 5 States, including Vermont, recognized same-sex marriage. With today's lifting of Florida's

unconstitutional same-sex marriage ban, couples in 36 States and the District of Columbia now have the freedom to marry. This is welcome progress, and I hope we will see similar advancements in even more States this year so that all Americans can marry the one they love.

Despite this tremendous progress, there is still more to be done to ensure that no person faces discrimination based on who they marry or wish to marry. As I said when the Supreme Court struck down Section 3 of the Defense of Marriage Act, "All couples who are lawfully married under state law, including in Vermont, should be entitled to the same Federal protections afforded to all other married couples." Court challenges will continue this year in the remaining States that do not recognize marriage equality. But in Congress, there are several steps we can take immediately to help ensure our Federal laws treat all marriages equally.

Surprisingly, the Copyright Act, which protects our Nation's diverse creative voices, still bears vestiges of discrimination. A provision in the Act grants rights to the surviving spouse of a copyright owner only if the marriage is recognized in the owner's State of residence at the time he or she dies. This means that a writer who lawfully marries his or her partner in Vermont or California is not a "spouse" under the Copyright Act if they move to Michigan, Georgia, or one of the other States that do not currently recognize their marriage.

Congress should close this discriminatory loophole to ensure our Federal statutes live up to our Nation's promise of equality under the law. As the Supreme Court recognized in striking down key portions of the Defense of Marriage Act, it is wrong for the Federal Government to deny benefits or privileges to couples who have lawfully wed.

Today I am reintroducing the Copyright and Marriage Equality Act in the Senate to correct this problem. The bill, which I introduced in the Senate last Congress and which a bipartisan group of lawmakers including Representatives DEREK KILMER, ILEANA ROS-LEHTINEN, and JARED POLIS plans to reintroduce in the House of Representatives soon, amends the Copyright Act to look simply at whether a couple is lawfully married—not where a married couple happens to live when the copyright owner dies. It will ensure that the rights attached to the works of our Nation's gay and lesbian authors, musicians, painters, photographers, and other creators pass to their widows and widowers. Artists are part of the creative lifeblood of our Nation, and our laws should protect their families equally.

When I introduced this bill last year, it failed to get the support of a single Republican in the Senate. I hope that in this Congress, Republicans will consider joining this effort to correct



these remnants of discrimination in our Federal laws. On the issue of marriage equality, the arc of history is at long last bending towards justice, so that all Americans one day will be free to marry the one they love. Statutes like the Copyright Act, or laws governing the Social Security Administration and Department of Veterans Affairs which also contain remnants of discrimination, are no place for inequality in our country. I urge the Senate to take up and pass this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 23

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Copyright and Marriage Equality Act”.

#### SEC. 2. DEFINITION OF WIDOW AND WIDOWER IN TITLE 17, UNITED STATES CODE.

(a) IN GENERAL.—Section 101 of title 17, United States Code, is amended by striking the definition of “‘widow’ or ‘widower’” and inserting the following:

“An individual is the ‘widow’ or ‘widower’ of an author if the courts of the State in which the individual and the author were married (or, if the individual and the author were not married in any State but were validly married in another jurisdiction, the courts of any State) would find that the individual and the author were validly married at the time of the author’s death, whether or not the spouse has later remarried.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the death of any author that occurs on or after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mr. LEE):

S. 24. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I rise to introduce the Due Process Guarantee Act, which passed the Senate in 2012 with 67 votes as an amendment to the Defense Authorization Act for fiscal year 2013.

Unfortunately, the amendment was taken out in the Conference Committee that year. It is my hope that the Senate will pass this legislation again this year, and this time the House will support it so that it can finally be enacted into law to protect Americans from being detained indefinitely.

The bipartisan bill I am introducing today, with Senator LEE as the lead cosponsor, is almost identical to the amendment that passed the Senate in December 2012 with 67 votes. The previous version of this bill had a hearing

in the Judiciary Committee on February 29, 2012.

This legislation is necessary to prevent the U.S. Government from detaining its citizens indefinitely.

Unfortunately, indefinite detention has been a part of America’s not-too-distant past. The internment of Japanese-Americans during World War II remains a dark spot on our Nation’s legacy, and is something we should never repeat.

To ensure that this reprehensible experience would never happen again, Congress passed and President Nixon signed into law the Non-Detention Act of 1971, which repealed a 1950 statute that explicitly allowed the indefinite detention of U.S. citizens.

The Non-Detention Act of 1971 clearly states:

No citizen shall be imprisoned or otherwise detained the United States except pursuant to an act of Congress.

Despite the shameful history of indefinite detention of Americans and the legal controversy over the issue since 9/11, during debate on the defense authorization bill in past years, some in the Senate have advocated for allowing the indefinite detention of U.S. citizens.

Proponents of indefinitely detaining U.S. citizens argue that the Authorization for Use of Military Force, AUMF, that was enacted shortly after 9/11 is, quote, “an act of Congress,” in the language of the Non-Detention Act of 1971, that authorizes the indefinite detention of American citizens regardless of where they are captured.

They further assert that their position is justified by the U.S. Supreme Court’s plurality decision in the 2004 case of *Hamdi v. Rumsfeld*. However, the *Hamdi* case involved an American captured on the battlefield in Afghanistan.

Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan. The divided Court did effectively uphold his military detention, so some of my colleagues use this case to argue that the military can indefinitely detain even American citizens who are arrested domestically here on U.S. soil, far from the battlefield of Afghanistan.

However, the Supreme Court’s opinion in the *Hamdi* case was a muddled decision by a four-vote plurality that recognized the power of the government to detain U.S. citizens captured in such circumstances as “enemy combatants” for some period, but otherwise repudiated the government’s broad assertions of executive authority to detain citizens without charge or trial.

In particular, the Court limited its holding to citizens captured in an area of, quote, “active combat operations”, unquote, and concluded that even in those circumstances the U.S. Constitution and the Due Process Clause guarantees U.S. citizens certain rights, including the ability to challenge their enemy combatant status before an impartial judge.

The plurality’s opinion stated:

It [the Government] has made clear, however, that, for purposes of this case, the ‘enemy combatant’ that it is seeking to detain is an individual who, it alleges, was ‘part of or supporting forces hostile to the United States or coalition partners’ in Afghanistan and who ‘‘engaged in an armed conflict against the United States’’ there. Brief for Respondents 3. We therefore answer only the narrow question before us: whether the detention of citizens falling within that definition is authorized.”

The opinion goes on to say at page 517 that “we conclude that the AUMF is explicit congressional authorization for the detention of individuals in the narrow category we describe . . .”

Indeed, the plurality later emphasized that it was discussing a citizen captured on a foreign battlefield. Criticizing Justice Scalia’s dissenting opinion, the opinion says, “Justice Scalia largely ignores the context of this case: a United States citizen captured in a foreign combat zone.” The plurality italicized and emphasized the word “foreign” in that sentence.

Thus, to the extent the *Hamdi* case permits the government to detain a U.S. citizen “until the end of hostilities,” it does so only under a very limited set of circumstances, namely citizens taking an active part in hostilities, who are captured in Afghanistan, and who are afforded certain due process protections, at a minimum.

Additionally, decisions by the lower courts have contributed to the current state of legal ambiguity when it comes to the indefinite detention of U.S. citizens, such as Jose Padilla, a U.S. citizen who was arrested in Chicago in 2002. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist attacks and later designated as an “enemy combatant” who conspired with al-Qaeda to carry out terrorist attacks including a plot to detonate a “dirty bomb” inside the U.S.

Padilla was transferred to the military brig in South Carolina where he was detained for three and a half years while seeking habeas corpus relief. Padilla was never charged with attempting to carry out the “dirty bomb” plot. Instead, Padilla was released from military custody in November 2005 and transferred to Federal civilian custody in Florida where he was indicted on other charges in Federal court related to terrorist plots overseas.

While he was indefinitely detained by the military, Padilla filed a habeas corpus petition which was litigated at first in the Second Circuit Court of Appeals, and then in the Fourth Circuit Court of Appeals. In a 2003 decision by the Second Circuit known as *Padilla v. Rumsfeld*, the Court of Appeals held that the AUMF did not authorize his detention, saying: “we conclude that clear congressional authorization is required for detentions of American citizens on American soil because 18 U.S.C.

§ 4001(a) the “Non-Detention Act”, prohibits such detentions absent specific congressional authorization. Congress’s Authorization for Use of Military Force Joint Resolution, . . . passed shortly after the attacks of September 11, 2001, is not such an authorization.”

This requirement for “clear congressional authorization” to detain is known as the Second Circuit’s “Clear Statement Rule.”

However, the Fourth Circuit Court of Appeals reached the opposite conclusion, finding that the AUMF did authorize his detention. It is worth pointing out, however, that their analysis turned entirely on the disputed claims that “Padilla associated with forces hostile to the United States in Afghanistan,” and, “like Hamdi, Padilla took up arms against United States forces in that country in the same way and to the same extent as did Hamdi.”

Facing an impending Supreme Court challenge and mounting public criticism for holding a U.S. citizen arrested inside the U.S. as an enemy combatant, the Bush administration relented, and ordered Padilla transferred to civilian custody to face criminal conspiracy and material support for terrorism charges in Federal court.

I believe that the time is now to end the legal ambiguities, and have Congress state clearly, once and for all, that the AUMF or other authorities do not authorize indefinite detention of Americans apprehended in the U.S.

To accomplish this, we are introducing legislation again this year which affirms and strengthens the principles behind the Non-Detention Act of 1971.

It amends the Non-Detention Act to provide clearly that no military authorization allows the indefinite detention of U.S. citizens or Green Card holders who are apprehended inside the U.S.

Like the amendment that passed with 67 votes in 2012, the bill creates a new subsection (b) of the Non-Detention Act which clearly states: “A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.”

Like the previous version, this bill amends the Non-Detention Act to codify the Second Circuit’s “Clear Statement Rule” from the Padilla case. So new subsection (a) will read, “No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an act of Congress that expressly authorizes such imprisonment or detention.”

Making the Clear Statement Rule part of subsection (a) strengthens the Non-Detention Act even more by requiring Congress to be explicit if it wants to detain U.S. citizens indefi-

nately. Subsection (b) clarifies that an authorization to use military force, a declaration of war, or any similar authority does not authorize the indefinite detention of a U.S. citizen or a Lawful Permanent Resident of the U.S., also known as a Green Card holder.

Some may ask why this legislation protects Green Card holders as well as citizens. And others may ask why the bill does not protect all persons” apprehended in the U.S. from indefinite detention.

Let me make clear that I would support providing the protections in this amendment to all persons in the United States, whether lawfully or unlawfully present. But the question comes, is there enough political support to expand this amendment to cover others besides U.S. citizens and Green Card holders?

Wherever we draw the line on who should be covered by this legislation, I believe it violates fundamental American rights to allow anyone apprehended on U.S. soil to be detained without charge or trial.

The FBI and other law enforcement agencies have proven, time and again, that they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on U.S. soil, having successfully arrested, detained and convicted hundreds of these heinous people, both before and after 9/11.

Specifically, there have been 556 terrorism-related convictions in federal criminal court between 9/11 and the end of 2013, according to the Department of Justice.

Also, it is important to understand that suspected terrorists who may be in the U.S. illegally can be detained within the criminal justice system using at least the following 4 options:

They can be charged with a Federal or State crime and held; they can be held for violating immigration laws; they can be held as material witnesses as part of Federal grand jury proceedings; and they can be held for up to 6 months under Section 412 of the Patriot Act.

I want to be very clear about what this bill is and is not about. It is not about whether citizens such as Hamdi and Padilla, or others who would do us harm, should be captured, interrogated, incarcerated, and severely punished. They should be.

But what about an innocent American? What about someone in the wrong place at the wrong time? The beauty of our Constitution is that it gives everyone in the United States basic due process rights to a trial by a jury of their peers.

As President Obama said when referring to the indefinite detention of non-Americans at Guantanamo:

“Imagine a future—10 years from now or 20 years from now—when the United States of America is still holding people who have been charged with no crime on a piece of land that is not part of our country. . . . Is that who we are? Is that something that our

Founders foresaw? Is that the America we want to leave to our children? Our sense of justice is stronger than that.”

The same questions could be asked of those who would indefinitely detain Americans arrested on U.S. soil.

Is that who we are?

Does that reflect the America we want to leave to our children?

Now is the time to clarify U.S. law to state unequivocally that the government cannot indefinitely detain American citizens and Green Card holders captured inside this country without trial or charge.

The Federal Government experimented with indefinite detention of U.S. citizens during World War II, a mistake we now recognize as a betrayal of our core values.

Let us not repeat it. I urge my colleagues to support this legislation.

By Mrs. FEINSTEIN (for herself and Mr. GRAHAM):

S. 27. A bill to make wildlife trafficking a predicate offense under racketeering and money laundering statutes and the Travel Act, to provide for the use for conservation purposes of amounts from civil penalties, fines, forfeitures, and restitution under such statutes based on such violations, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Wildlife Trafficking Enforcement Act of 2015, which I authored along with my colleague Senator LINDSEY GRAHAM.

This bill will allow the Federal Government to crack down on poachers and transnational criminal organizations involved in the global trade in illegal wildlife products.

Wildlife trafficking has become a global crime that the State Department estimates is valued at between \$8 to \$10 billion annually. This ranks it as one of the most lucrative types of organized crime in the world, along with drug and human trafficking.

Besides being a major international crime, wildlife trafficking is a morally repugnant practice that threatens some of our world’s most iconic species with extinction.

The most disturbing example is that of elephants and rhinoceroses. A recent study estimates that over 100,000 elephants were illegally poached in Africa from 2010 to 2012. At this rate, the African elephant is being killed faster than the species can reproduce, putting it at risk of being wiped off the face of the earth.

Most disturbingly, poachers are slaughtering very young and juvenile elephants for their tusks due to the record high demand for ivory in places like China and the United States.

But the illicit ivory trade is not just a threat to African elephants; it is also a problem for global security. The State Department reports that there is increasing evidence that wildlife trafficking is funding armed insurgencies like Al Shabaab and the Lord’s Resistance Army. The illegal ivory trade fuels corruption and violence in Africa.

The rhinoceros has also been decimated by poaching due to record high demand for its horn. Conservation organizations estimate that hundreds of rhinoceroses are illegally slaughtered in Africa each year. It is deeply concerning that the poaching rate for rhinoceroses in Africa appears to be increasing.

Some populations of rhinoceroses are on the brink of extinction. The population of the Sumatran rhinoceros has plummeted by over 50 percent in the last two decades due to poaching, and it is estimated that only about 100 remain in existence. It is estimated that fewer than 10 Northern White Rhinoceroses remain alive in the wild.

The problem is not just confined to elephants and rhinoceroses. Tigers, leopards, endangered sea turtles, and many other wildlife species are being decimated by poaching.

At its core, this legislation increases criminal penalties for wildlife trafficking crimes. The federal government needs stiffer penalties in order to go after organized and high volume traffickers. The President asked for this authority in the National Strategy to Combat Wildlife Trafficking released last year.

Specifically, this bill makes violations of the Endangered Species Act, the African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act that involve more than \$10,000 of illegal wildlife products predicate offenses under the money laundering and racketeering statutes and the Travel Act.

Currently, each of these wildlife laws carries a maximum prison sentence of only one year for a violation. Under this bill, wildlife trafficking violations can be subject to up to a 20-year prison sentence, as well as increased fines and penalties of up to \$500,000 for an offense.

These new penalties will allow the government to change the equation on wildlife crimes. Wildlife trafficking has increased at dramatic rates because the crime is high value and low risk due to weak penalties across the world. Under the new authorities, the Federal Government will have a full range of tools to prosecute the worst wildlife trafficking offenders and to put them behind bars with significant sentences. The new authorities will also act as a deterrent to the criminal organizations currently trafficking illicit wildlife products into and through the United States.

As one of the largest markets for products of illicit poaching in the world, the United States has a responsibility to step up and help to combat this scourge. With this legislation, the United States will set an example for other countries on the need for each country to strengthen penalties for wildlife trafficking. It is critical that other nations around the world with large markets for illicit wildlife products step up to tackle this global problem.

The Wildlife Trafficking Enforcement Act of 2015 will also allow fines, penalties, forfeitures, and restitution recovered through use of the bill's new authorities to be transferred to established conservation funds at the Departments of the Interior and of Commerce. This will enable the Federal Government to use the monetary penalties from a wildlife trafficking conviction to benefit the species that was harmed. Thus, the bill will both act to punish and deter criminals while supporting the conservation of those species that are directly harmed by poaching.

Addressing the issue of wildlife trafficking speaks to our values and morals as a Nation. We have a responsibility to help prevent these endangered species, which have existed for thousands of years, from becoming extinct in our lifetime. It is also clear that Federal law's weak penalties for wildlife crimes have been exploited by poachers and transnational criminals.

I therefore ask all of my colleagues on both sides of the aisle to work with me to enact this legislation this year. The stakes for endangered species like elephants, tigers, and rhinoceroses could not be higher. If we don't crack down on wildlife trafficking, we will be complicit in the slaughter.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. LEAHY, Mrs. MURRAY, Mr. UDALL, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 28. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleagues Senators LEAHY, BOXER, DURBIN, KLOBUCHAR, MURRAY, UDALL, FRANKEN, WYDEN and WHITEHOUSE to introduce the Cluster Munitions Civilian Protection Act of 2015.

Our legislation places common sense restrictions on the use of cluster munitions. It prevents any funds from being spent to use cluster munitions that have a failure rate of more than one percent.

In addition, the rules of engagement must specify that: cluster munitions will only be used against clearly defined military targets; and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

Our legislation also includes a national security waiver that allows the President to waive the prohibition on the use of cluster munitions with a failure rate of more than one percent if he determines it is vital to protect the security of the United States to do so.

However, if the President decides to waive the prohibition, he must issue a report to Congress within 30 days on the failure rate of the cluster munitions used and the steps taken to protect innocent civilians.

Cluster munitions are large bombs, rockets, or artillery shells that contain

up to hundreds of small submunitions, or individual "bomblets."

They are intended for attacking enemy troop and armor formations spread over a wide area.

But, in reality, they pose a far more deadly threat to innocent civilians.

According to the Cluster Munitions Monitor, over the past fifty years, there have been 19,419 documented cluster munitions deaths in 31 nations. The estimated number of total cluster munitions casualties, however, is an astonishing 55,000 people.

While cluster munitions are intended for military targets, in actuality civilians have accounted for 94% of cluster munition casualties.

Death and injury from unexploded ordnance left behind by cluster munitions continues to kill civilians to this day. Today, 23 States remain contaminated by unexploded ordnance left from cluster munitions.

Last year, nine of these countries suffered casualties from unexploded ordnance. They were: Croatia, Iraq, Laos, Lebanon, Cambodia, South Sudan, Sudan, Syria and Vietnam.

More tragically, despite the risk they pose to civilians, cluster bombs continue to be used in conflicts.

Since July 2012, Syrian government forces have used cluster munitions in 10 of the country's 14 governorates.

Human Rights Watch has documented that the Syrian government has used seven types of cluster munitions to date, six of which were manufactured in the former Soviet Union and the seventh of which is Egyptian-made.

In 2012 and 2013, the Landmine and Cluster Munition Monitor recorded 1,584 deaths from government-launched cluster munitions in Syria. Approximately 97 percent of the deaths directly linked to cluster munitions were civilians.

For the first time, Human Rights Watch has also obtained evidence that the Islamic State of Iraq and the Levant, known as ISIL, has also used cluster bombs.

According to witness testimony and photographic evidence, ISIL used cluster bombs on at least two occasions near the besieged town of Kobani.

Terrorist groups and other non-state actors would not be able to obtain and use cluster bombs if the world adopted the Oslo Treaty on Cluster munitions.

The Oslo Treaty bans the production, sale, stockpiling and use of cluster munitions. It came into effect in 2010 and to date has been ratified by 88 nations.

Under the Treaty, 22 nations have destroyed 1.16 million cluster bombs and nearly 140 million submunitions.

Unfortunately, the United States is neither a signatory nor state party to the Oslo Treaty.

In fact, the United States maintains a stockpile of 5.5 million cluster munitions containing 728 million submunitions. These bomblets have an estimated failure rate of between 5 and 15 percent.



Rather than adopting the increasing international consensus that cluster bombs should be banned, the Pentagon continues to assert that they are "legitimate weapons with clear military utility in combat."

I respectfully disagree. The benefit of using cluster bombs is outweighed by the continuing threat they pose to civilians long after the cessation of hostilities.

The Cluster Munitions Civilian Protection Act would immediately ban cluster bombs with unacceptable unexploded ordnance rates and in areas where civilians are known to be present.

Passing this legislation would move the United States closer to abiding by the requirements of the Oslo Treaty, which has been ratified by many of our allies, including the United Kingdom, France and Germany.

Since 2008 the Congress has banned the export of cluster munitions with a greater than one percent unexploded ordnance rate. While banning the export of these indiscriminate weapons was a positive first step, I strongly believe the United States can do better.

This body cannot compel the administration to sign the Oslo Treaty. However, we can surely take steps to abide by its spirit. Passing the Cluster Munitions Civilian Protection Act would do exactly that.

I urge my colleagues to support this bill.

By Mrs. FEINSTEIN (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 29. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill to fully repeal the Defense of Marriage Act, DOMA, and ensure that married same-sex couples are accorded equal treatment by the federal government.

When I first introduced this bill in 2011, only 5 States and the District of Columbia recognized same-sex marriage.

Today, due to a combination of actions by legislatures, voters, and the courts, 36 States and D.C. recognize same-sex marriage. Florida joined the group just this week.

This progress is nothing short of amazing. Over 70 percent of Americans now live in a State where same-sex couples can marry.

The Supreme Court's landmark decision in *United States v. Windsor*, which struck down Section 3 of DOMA, has caused most federal agencies to accord equal rights and responsibilities to married same-sex couples.

But, despite this progress, the mission of ensuring full equality under Federal law for married same-sex couples is still unaccomplished.

This bill will accomplish that mission. It will strike DOMA from Federal law, and ensure that legally married same-sex couples are treated equally by the federal government, period.

I want to thank my 41 colleagues who have cosponsored this bill.

For my colleagues who have not yet supported this bill: if you believe that couples who are married should be treated that way by the federal government, you should cosponsor this bill. It is as simple as that.

Two major agencies, which serve millions and millions of Americans—the Social Security Administration and Department of Veterans Affairs—still deny benefits to some married couples depending on where the couple has lived. This bill would fix that problem.

Let me address Social Security first. An example of the discrimination married same-sex couples still face is the case of Kathy Murphy and Sara Barker. According to a legal filing, this couple married in Massachusetts and shared a ranch house in Texas for nearly 30 years.

In 2010, when Sara was 60 years old, she was diagnosed with an aggressive form of cancer. Sara went through several surgeries and chemotherapy, and Kathy was Sara's caregiver.

Sara passed away on March 10, 2012. As the complaint states: "Kathy lost her partner of more than thirty years and the love of her life."

In July 2014—over a year after she applied—Kathy's application for survivor's benefits from Social Security was denied because they lived in Texas together, and Texas does not recognize them as married.

This cost her an estimated \$1,200 per month in Federal survivor's benefits.

Veterans and active-duty military personnel in same-sex marriages also are being denied equal treatment by the Department of Veterans Affairs.

Many of these brave individuals have served our country overseas or in war zones, but they may nevertheless be denied a huge range of benefits our nation grants to those who have served in the Armed Forces.

A court filing by the American Military Partners Association explains that:

lesbian and gay veterans and their spouses and survivors . . . will be denied or disadvantaged in obtaining spousal veterans benefits such as disability compensation, death pension benefits, home loan guarantees, and rights to burial together in national cemeteries.

This is wrong. Our married gay and lesbian soldiers put their lives on the line for our country the same way other soldiers do.

We owe them the same debt of gratitude we owe to all other men and women who serve, and this bill would ensure that we fulfill that solemn obligation.

Continued discrimination against married same-sex couples is not limited to these benefits programs.

Other Federal laws are not part of programs administered by agencies, but they nevertheless are designed to protect families, including spouses.

Let me just give one example—Section 115 of Title 18. Among other things, this law makes it a crime to assault, kidnap, or murder a spouse of Federal law enforcement officer, with the intent to influence or retaliate against the officer.

This law protects the ability of people like FBI agents and federal prosecutors to serve the public knowing there is protection from violence against their families.

These agents and prosecutors investigate and prosecute people like drug kingpins, terrorists, and organized crime figures.

But, even today, it is not clear whether this vital protection for these officers covers those in lawful same-sex marriages everywhere in the country.

These public servants, who protect all of us, should not have to worry that they lack the full protection we provide to their colleagues—but that is the situation we confront today. This bill would fix it.

In addition, Section 2 of DOMA—which was not expressly addressed by the Supreme Court—continues to pose a serious risk to legal relief received by victims of crime and civil wrongs. This bill would repeal it.

Section 2 of DOMA is the full faith and credit provision of DOMA, and it has been the subject of many misconceptions.

When DOMA was enacted, some claimed Section 2 was designed to prevent the Full Faith and Credit Clause of the Constitution from forcing a state to recognize a marriage from another state.

But states have never needed permission from Congress to decide whether to recognize an out-of-state marriage. States have done that under their own laws, subject to other constitutional guarantees like the Equal Protection Clause.

Thus, repealing Section 2 of DOMA simply would not force a State, or a religious institution, to recognize a particular marriage.

While it is on the books, Section 2 may have a very serious impact: it may nullify legal relief awarded to victims of crime and other civil wrongs.

There is a general rule that the judgments of one state's courts will be enforced in another state's courts.

But Section 2 purports to exempt any "right or claim arising from" a same-sex marriage from this rule.

Imagine a woman killed by a drunk driver. Her surviving spouse would have a civil claim for wrongful death, or might obtain restitution in a criminal case.

But DOMA could prevent the court judgments in those cases from being enforced in the perpetrator's home State, allowing him to avoid the consequences of his actions.

The same problem could arise in numerous types of cases, such as assaults, batteries, and insurance claims.

Same-sex married couples are the only class of people who are burdened by this sort of legal disability, which hinders the court system from protecting them the same way that it does other citizens.

This is wrong, and it must be repealed.

As a Senator from California, I come to this bill with a strong sense of history.

In 1948, the California Supreme Court became the first state court to find that a ban on interracial marriage violates the Equal Protection Clause. At the time, 29 states still prohibited interracial marriage.

Prohibitions on interracial marriage then were eliminated in 13 other states, so that when the Supreme Court decided *Loving v. Virginia* in 1967, only 16 states retained bans on interracial marriage.

I very much hope that is where we are today on same-sex marriage.

People of all stripes have come to believe that loving and committed same-sex couples are worthy of the same dignity and respect other couples receive. Public opinion has changed dramatically, and 36 states now recognize same-sex marriage.

The tide has shifted, I hope irreversibly so.

But here, in Congress, we still have work to do.

We must end the discrimination married same-sex couples continue to face at the federal level.

DOMA remains on the books, where it should never have been placed. It could be revived by a different Supreme Court majority.

A future administration also could interpret other laws differently than this Administration has done, potentially restricting the availability of key benefits even further.

The solution is simple: pass this bill, which would eliminate DOMA and accord equal treatment under Federal law for married same-sex couples.

Let me again thank my cosponsors for joining me in this effort, and to urge my other colleagues on both sides of the aisle to support this legislation.

By Ms. COLLINS (for herself, Mr. DONNELLY, Ms. MURKOWSKI, and Mr. MANCHIN):

S. 30. A bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act; to the Committee on Finance.

Ms. COLLINS. Mr. President, today, Senator DONNELLY and I are reintroducing the Forty Hours is Full-time Act to correct a serious flaw in the Affordable Care Act, also known as Obamacare, that is already causing workers to have their hours reduced and their pay cut. We are pleased to be joined in this bipartisan effort by Senators MURKOWSKI and MANCHIN. Our legislation would raise the threshold for "full-time" work in Obamacare to the standard 40 hours a week. This is consistent with the threshold for overtime eligibility under the Fair Labor Standards Act, and the common-sense understanding of "full-time" work.

Under Obamacare, an employee working just 30 hours a week is defined as "full-time," a definition that is completely out-of-step with standard employment practices in the U.S. today. According to a survey published by the Bureau of Labor Statistics, the average American actually works 8.7 hours per day, which equates to roughly 44 hours a week. The Obamacare definition is nearly one-third lower than actual practice.

Similarly, the Obamacare definition of "full-time" employee is ten hours a week fewer than the 40 hours per week used by the GAO in its study of the budget and staffing required by the IRS to implement Obamacare. In that report, the GAO described a "full-time equivalent" as: "a measure of staff hours equal to those of an employee who works 2,080 hours per year, or 40 hours per week. . . ." Even the Office of Management and Budget recognizes that 30-hours is not "full-time." A circular it issued to Federal agencies actually directs them to calculate staffing levels using more than 40 hours a week as a "full-time equivalent."

The effect of using the 30-hour a week threshold is to artificially drive-up the number of "full-time" workers for purposes of calculating the penalties to which employers are exposed under Obamacare. These penalties begin at \$40,000 for businesses with 50 employees, plus \$2,000 for each additional "full-time equivalent" employee. While these draconian penalties were scheduled to begin in January of last year, we have yet to feel their full effect because the Obama administration delayed their implementation through 2014, perhaps knowing the negative impact that will result. But that artificial grace-period expired January 1 for employers with 100 or more workers and will end for employers with between 50 and 99 employees in January of next year.

Needless to say, these penalties will force many employers to restrict or reduce the hours their employees are allowed to work, so they are no longer considered "full-time" for the purposes of the law. In addition, these penalties will discourage employers from growing or adding jobs, particularly those close to the 50-job trigger.

These are not hypothetical concerns. According to the Investors Business

Daily, more than 450 employers had cut work hours or staffing levels in response to Obamacare as of September of last year. Employees of for-profit businesses are not the only ones threatened by Obamacare's illogical definition of full-time work. Public sector employees and those who work for non-profits are also affected.

I am concerned that educators, school employees, and students will be particularly hard hit. As the ASAA, the School Superintendents Association, explained in a letter in support of our bill, Obamacare's 30-hour threshold puts an "undue burden on school systems across the Nation, many of [which] will struggle to staff their schools to meet their educational mission" while complying with this requirement.

For example, the school superintendent of Bangor, ME, has told me that Obamacare will require that school district to reduce substitute teacher hours to make sure they don't exceed 29 hours a week. This will harm not only the substitute teachers who want and need more work, but it will also harm students by causing unnecessary disruption in the classroom.

Likewise, in Indiana, a county school district had to reduce the hours of part-time school bus drivers to make sure they do not work more than the 30-hour threshold. As a result, the school district has been forced to cut field trips and transportation to athletic events, and employees who used to work more than 30 hours total in two jobs have been forced to give up one of their jobs, hurting their financial security.

The 30-hour rule will also affect our Nation's institutions of higher education. According to the College and University Professional Association for Human Resources, Obamacare's full-time work definition has already caused 122 schools to announce new policies capping hours for students and faculty.

It is troubling that the 30-hour threshold will also harm delivery of home care services. The requirement will likely result in reduced access to needed services for some of our Nation's most vulnerable citizens: homebound seniors, individuals with disabilities, and recently discharged hospital and nursing home patients. Information provided to my office by the Home Care & Hospice Alliance of Maine shows that many of its member organizations will be forced to reduce work hours for employees or even to cease operations due to Obamacare's definition of "full-time" work. If that happens, hundreds of home care workers could lose their jobs, and a thousand seniors could lose access to home care services—in Maine alone.

Data from Maine's Medicaid program show that home care services are extremely cost-effective compared to alternatives. Thus, by making it harder for home care service providers to give their workers the hours they need,

Obamacare's definition of "full-time" work will end up reducing the home care services available to seniors, depriving them of care or forcing them into costlier care, driving up Federal costs.

Before I close, I would like to read a few lines from a letter I recently received from Randy Wadleigh, the owner of a well-known and much-loved restaurant institution in Maine called "Governor's." Randy's letter sums up what Maine employers have always told me—their employees are the heart and souls of their businesses, and are the face of their companies to the public. As Randy puts it, businesses recognize the importance of their workers "because without GREAT employees, businesses really don't have anything. [The 30-hour threshold] is hurting many of our employees. They don't understand it, they can't afford it and they just want to work more hours."

The bipartisan bill we are introducing today will protect these workers by changing the definition of "full-time" work in the ACA to 40 hours a week, and making a corresponding change in the definition of "full-time equivalent" employee to 174 hours per month. This is a sensible definition in keeping with actual practice.

Among the many organizations that have endorsed our bill are: the College & University Professional Association for Human Resources, the National Association for Home Care & Hospice, the American Hotel & Lodging Association, the American Staffing Association, the Asian American Hotel Owners Association, the Associated Builders and Contractors, the Food Marketing Institute, the International Franchise Association, the National Association of Convenience Stores, the National Association of Health Underwriters, the American Rental Association, the National Association of Manufacturers, the National Association of Theatre Owners, the National Grocers Association, the National Federation of Independent Business, the National Restaurant Association, the National Retail Federation, the Retail Industry Leaders Association, ASAA, the School Superintendents Association, the Society for Human Resource Management, and the U.S. Chamber of Commerce.

Regardless of the varying views of Senators on the Affordable Care Act, surely we ought to be able to agree to fix this problem in the law that is hurting workers' paychecks and creating chaos for employers. I urge my colleagues to support this bipartisan legislation.

Mr. President, I ask unanimous consent that the letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 19, 2014.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of AASA: The School Superintendents Associa-

tion, the Association of Educational Service Agencies, the National Rural Education Association and the National Rural Education Advocacy Coalition, I write to express our support for the Forty Hours is Full Time Act. Collectively, we represent public school superintendents, educational service agency administrators and school system leaders across the country, as well as our nation's rural schools and communities. We have followed closely the Affordable Care Act and stand ready to implement the law, and see your proposed legislation as one way to alleviate an unnecessarily burdensome regulation.

The Forty House is Full Time Act would change the definition of "full-time" in the Affordable Care Act (ACA) to 40 hours per week and the number of hours counted toward a "full time equivalent" employee to 174 hours per month. The current ACA arbitrarily sets the bar for a full work week to 30 hours. This is inconsistent with how most Americans think: full-time is a 40 hour work week. The current definition causes confusion among employers who struggle to understand and comply with the new requirements, especially ones that are in conflict with long-standing practices built on the long-standing 40-hour work week premise.

We welcome the opportunity to ensure our employees have a positive work environment and we remain committed to providing a robust set of work benefits. We are concerned that the ACA, as currently written, puts additional, undue burden on school systems across the nation, many of whom will struggle to staff their schools to meet their educational mission while meeting the strict 30-hour regulation.

We applaud your continued leadership on this issue and look forward to seeing the Forty Hours is Full Time Act move forward.

Sincerely,

NOELLE M. ELLERSON,  
AASA, The School Superintendents  
Association, Associate Executive Director,  
Policy & Advocacy, AESA, NREA and NREAC  
Legislative Liaison.

GOVERNOR'S RESTAURANT & BAK-  
ERY, GOVERNOR'S MANAGEMENT  
COMPANY, INC.,

Old Town, ME, December 22, 2014.

Re Definition of full time hours for the ACA

HON. SUSAN COLLINS,  
413 Dirksen Office Building,  
Washington, DC.

DEAR SUSAN: Governor's Restaurants have been a staple in Maine since 1959. We have 6 locations and employ over 300 full and part time fine Maine folks while serving the great people of Maine. In general, we've had longevity because we pay attention to business and play by the rules dictated to us by local, state and federal agencies. In a nutshell, we take pride in doing the right things.

As our company's CEO, I recently conducted health insurance enrollment meetings at all of our locations for those 100+ eligible full time employees (as currently defined at 30 hours per week). We are strongly in favor of changing the current definition of a full time employee from 30 hours to 40 hours . . . but not necessarily for the reason(s) you may think.

On behalf of our employees, we've just got to increase the threshold to 40 hours. Our offered health plan is defined as affordable and meets minimum standards as defined by the law, but when you express to the employee that they must contribute +/- \$30 per week it becomes a heartfelt choice to pay for food, child care, rent OR pay for health care. On more than one occasion, I had employees (all of whom worked less than 32 hours per week) break down in tears because they just can't

afford coverage. At the same time, those that worked over 38 hours, were more likely to participate and in fact could afford coverage.

When ACA was first introduced, I could never understand why the law defined 30 hours per week. Our company has had to make dramatic cuts in hours to some staffers to reduce exposure. But once again this hurts the employee.

So you see the obvious selfish thing to do as a business person is to cry foul about the health care law and how it affects our bottom line. But our company takes a bit of a different approach. We recognize the importance of our people because without GREAT employees, business owners really don't have anything. This law is hurting many of our employees. They don't understand it, they can't afford it and they just want to work more hours. 30 hours is too restrictive to them. 40 would be better for them and ultimately for business and such change would benefit both the employee and the employer.

Thanks for your great work in Washington.

Sincerely,

RANDY WADLEIGH,  
Owner and CEO,  
Governor's Management Company.

By Mrs. FEINSTEIN (for herself,  
Mr. UDALL, Mr. BLUMENTHAL,  
Ms. KLOBUCHAR, Mr. GRASSLEY,  
and Ms. HEITKAMP):

S. 32. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the Transnational Drug Trafficking Act of 2015 with my colleagues and friends, Senators CHARLES GRASSLEY, RICHARD BLUMENTHAL, HEIDI HEITKAMP, AMY KLOBUCHAR and TOM UDALL.

This bill, which passed the Senate unanimously in the last Congress, supports the Obama Administration's Strategy to Combat Transnational Organized Crime by providing the Department of Justice with crucial tools to combat the international drug trade. As drug traffickers find new and innovative ways to avoid prosecution, we cannot allow them to exploit loopholes because our laws lag behind.

This legislation has three main components. First, it puts in place penalties for extraterritorial drug trafficking activity when individuals have reasonable cause to believe that illegal drugs will be trafficked into the United States. Current law says that drug traffickers must know that illegal drugs will be trafficked into the United States and this legislation would lower the knowledge threshold to reasonable cause to believe.

The Department of Justice has informed my office that, it sees drug traffickers from countries like Colombia, Bolivia and Peru who produce cocaine but then outsource transportation of the cocaine to the United States to violent Mexican drug trafficking organizations. Under current law, our ability to prosecute source-nation traffickers from these countries is limited since there is often no direct evidence of their knowledge that illegal drugs were intended for the United

States. But let me be clear: drugs produced in these countries fuel violent crime throughout the Western Hemisphere as well as addiction and death in the United States.

Second, this bill puts in place penalties for precursor chemical producers from foreign countries, such as those producing pseudoephedrine used for methamphetamine, who illegally ship precursor chemicals into the United States knowing that these chemicals will be used to make illegal drugs.

Third, this bill makes a technical fix to the Counterfeit Drug Penalty Enhancement Act, which increases penalties for the trafficking of counterfeit drugs. The fix, requested by the Department of Justice, puts in place a “knowing” requirement which was unintentionally left out of the original bill. The original bill makes the mere sale of a counterfeit drug a Federal felony offense regardless of whether the seller knew the drug was counterfeit. Under the original bill, a pharmacist could be held criminally liable if he or she unwittingly sold counterfeit drugs to a customer. Adding a “knowing” requirement corrects this problem.

As Co-Chair of the Senate Caucus on International Narcotics Control and as a public servant who has focused on narcotics issues for many years, I know that we cannot sit idly by as drug traffickers find new ways to circumvent our laws. The illegal drug trade is constantly evolving and it is critical that our legal framework keeps pace. We must provide the Department of Justice with all of the tools it needs to prosecute drug kingpins both here at home and abroad.

By Mrs. FEINSTEIN (for herself, Mrs. SHAHEEN, Ms. AYOTTE, Mr. SCHUMER, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mrs. BOXER, Mr. PORTMAN, and Mr. WHITEHOUSE):

S. 36. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the Protecting Our Youth from Dangerous Synthetic Drugs Act of 2015, with my colleagues, Senators KELLY AYOTTE, RICHARD BLUMENTHAL, BARBARA BOXER, AMY KLOBUCHAR, ROB PORTMAN, CHARLES SCHUMER, JEANNE SHAHEEN and SHELTON WHITEHOUSE. This legislation addresses the significant harm that synthetic drugs cause our communities.

When Congress outlawed several synthetic drugs in 2012, traffickers did not stop producing them. Instead, they slightly altered the drugs' chemical structure to skirt the law, producing “controlled substance analogues” which are dangerous, chemically similar to Schedule I substances, and mimic the effects of drugs like ecstasy, cocaine, PCP, and LSD.

Manufacturers of synthetic drugs often prey upon youth, selling products

such as Scooby Snax, Potpourri, and Joker Herbal. But make no mistake: these products are dangerous. In the first ten months of 2014 alone, poison centers nationwide responded to approximately 3,900 calls related to synthetic drugs.

Under current law, determining whether a substance meets the vague legal criteria of a “controlled substance analogue” results in a “battle of experts” inside the courtroom. Significantly, a substance ruled to be an analogue in one case is not automatically an analogue in a second case.

The Protecting Our Youth from Dangerous Synthetics Drug Act addresses these issues. This bill creates an inter-agency committee of scientists that will establish and maintain an administrative list of controlled substance analogues. The Committee is structured to respond quickly when new synthetic drugs enter the market.

Because virtually all of these controlled substance analogues arrive in bulk from outside our borders, the bill makes it illegal to import a controlled substance analogue on the list unless the importation is intended for non-human use.

Finally, the bill directs the U.S. Sentencing Commission to review, and if appropriate, amend the Federal sentencing guidelines for violations of the Controlled Substances Act pertaining to controlled substance analogues.

In sum, this bill sends a strong message to drug traffickers who attempt to circumvent our Nation's laws: no matter how you alter the chemical structure of synthetic drugs to try to get around the law, we will ban these substances to keep them away from our children.

By Mr. REED (for himself and Mr. BROWN):

S. 37. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for State accountability in the provision of access to the core resources for learning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today, I am pleased to reintroduce the Core Opportunity Resources for Equity and Excellence Act with my colleague Senator Brown. I would also like to thank Representative Fudge for introducing companion legislation in the House of Representatives. This year, we will be commemorating the 50th anniversary of the Elementary and Secondary Education Act. Now is the time to reaffirm our commitment to educational equity, and in the words of President Johnson “bridge the gap between helplessness and hope.”

As we embark upon reauthorizing this landmark legislation, we must ensure that our accountability systems in education measure our progress towards equity and excellence for all children. The CORE Act will help advance that goal by requiring states to include fair and equitable access to the

core resources for learning in their accountability systems.

More than 60 years after the landmark decision of *Brown v. Board of Education*, one of the great challenges still facing this nation is stemming the tide of rising inequality. We have seen the rich get richer while middle class and low-income families have lost ground. We see disparities in opportunity starting at birth and growing over a lifetime. With more than one in five school-aged children living in families in poverty, according to Department of Education statistics, we cannot afford nor should we tolerate a public education system that fails to provide resources and opportunities for the children who need them the most.

We should look to hold our education system accountable for results and resources. And we know that resources matter. A recent study by researchers at Northwestern University and the University of California at Berkeley found that increasing per pupil spending by 20 percent for low-income students over the course of their K-12 schooling results in greater high school completion, higher levels of educational attainment, increased lifetime earnings, and reduced adult poverty.

In addition to funding, there are other opportunity gaps that we need to address. Survey data from the Department of Education's Office of Civil Rights show troubling disparities, such as the fact that Black, Latino, American Indian, Native Alaskan students, and English learners attend schools with higher concentrations of inexperienced teachers; nationwide, one in five high schools lacks a school counselor; and between 10 and 25 percent of high schools across the nation do not offer more than one of the core courses in the typical sequence of high school math and science, such as Algebra I and II, geometry, biology, and chemistry.

We are reintroducing the CORE Act to ensure that equity remains at the center of our federal education policy. Specifically, the CORE Act will require state accountability plans and state and district report cards to include measures on how well the state and districts provide the core resources for learning to their students. These resources include: high quality instructional teams, including licensed and profession-ready teachers, principals, school librarians, counselors, and education support staff; rigorous academic standards and curricula that lead to college and career readiness by high school graduation and are accessible to all students, including students with disabilities and English learners; equitable and instructionally appropriate class sizes; up-to-date instructional materials, technology, and supplies; effective school library programs; school facilities and technology, including physically and environmentally sound buildings and well-equipped instructional space, including laboratories and libraries; specialized instructional support teams, such as counselors, social

workers, nurses, and other qualified professionals; and effective family and community engagement programs.

These are things that parents in well-resourced communities expect and demand. We should do no less for children in economically disadvantaged communities. We should do no less for minority students or English learners or students with disabilities.

Under the CORE Act, States that fail to make progress on resource equity would not be eligible to apply for competitive grants authorized under the Elementary and Secondary Education Act. For school districts identified for improvement, the State would have to identify gaps in access to the core resources for learning and develop an action plan in partnership with the local school district to address those gaps.

The CORE Act is supported by a diverse group of organizations, including the American Association of Colleges of Teacher Education, American Federation of Teachers, American Library Association, Coalition for Community Schools, Education Law Center, Fair Test, First Focus Campaign for Children, League of United Latin American Citizens, National Association of School Psychologists, National Education Association, National Latino Education Research and Policy Project, Opportunity Action, Public Advocacy for Kids, Public Advocates, Inc., Southeast Asia Resource Action Center, and the Texas Center for Education Policy.

Working with this strong group of advocates and my colleagues in the Senate and in the House, it is my hope that we can build the support to include the CORE Act in the reauthorization of the Elementary and Secondary Education Act. I urge my colleagues to join us by cosponsoring this legislation.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 1

*Resolved*, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

##### SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 2

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

##### SENATE RESOLUTION 3—TO ELECT ORRIN G. HATCH, A SENATOR FROM THE STATE OF UTAH, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 3

*Resolved*, That Orrin G. Hatch, a Senator from the State of Utah, be, and he is hereby, elected President of the Senate pro tempore.

##### SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 4

*Resolved*, That the President of the United States be notified of the election of the Honorable Orrin G. Hatch as President of the Senate pro tempore.

##### SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 5

*Resolved*, That the House of Representatives be notified of the election of the Honorable Orrin G. Hatch as President of the Senate pro tempore.

##### SENATE RESOLUTION 6—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE PATRICK J. LEAHY FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR LEAHY AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. McCONNELL (for Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 6

*Resolved*, That the United States Senate expresses its deepest gratitude to Senator Patrick J. Leahy for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Patrick J. Leahy is hereby designated President Pro Tempore Emeritus of the United States Senate.

##### SENATE RESOLUTION 7—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 7

*Resolved*, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

##### SENATE RESOLUTION 8—ELECTING JULIE ADAMS AS SECRETARY OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 8

*Resolved*, That Julie E. Adams of Iowa be, and she is hereby, elected Secretary of the Senate.

##### SENATE RESOLUTION 9—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 9

*Resolved*, That the President of the United States be notified of the election of the Honorable Julie E. Adams as Secretary of the Senate.

##### SENATE RESOLUTION 10—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 10

*Resolved*, That the House of Representatives be notified of the election of the Honorable Julie E. Adams as Secretary of the Senate.

##### SENATE RESOLUTION 11—ELECTING FRANK LARKIN AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 11

*Resolved*, That Frank J. Larkin of Maryland be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

##### SENATE RESOLUTION 12—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

## S. RES. 12

*Resolved*, That the President of the United States be notified of the election of the Honorable Frank J. Larkin as Sergeant at Arms and Doorkeeper of the Senate.

# SENATE RESOLUTION 13—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

## S. RES. 13

*Resolved*, That the House of Representatives be notified of the election of the Honorable Frank J. Larkin as Sergeant at Arms and Doorkeeper of the Senate.

# SENATE RESOLUTION 14—ELECTING LAURA C. DOVE, OF VIRGINIA, AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

## S. RES. 14

*Resolved*, That Laura C. Dove of Virginia be, and she is hereby, elected Secretary for the Majority of the Senate.

# SENATE RESOLUTION 15—ELECTING GARY B. MYRICK, OF VIRGINIA, AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DURBIN (for Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

## S. RES. 15

*Resolved*, That Gary B. Myrick of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

# SENATE RESOLUTION 16—TO MAKE EFFECTIVE APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. MCCONNELL (for himself and Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

## S. RES. 16

That the appointment of Patricia Mack Bryan of Virginia to be Senate Legal Counsel, made by the President pro tempore this day, is effective as of January 3, 2015, and the term of service of the appointee shall expire at the end of the One Hundred Fifteenth Congress.

# SENATE RESOLUTION 17—TO MAKE EFFECTIVE APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. MCCONNELL (for himself and Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

## S. RES. 17

That the appointment of Morgan J. Frankel of the District of Columbia to

be Deputy Senate Legal Counsel, made by the President pro tempore this day, is effective as of January 3, 2015, and the term of service of the appointee shall expire at the end of the One Hundred Fifteenth Congress.

# SENATE RESOLUTION 18—MAKING MAJORITY PARTY APPOINTMENTS FOR THE 114TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was submitted and read:

## S. RES. 18

*Resolved*, That the following be the majority membership on the following committees for the remainder of the 114th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Boozman, Mr. Hoeven, Mr. Perdue, Mrs. Ernst, Mr. Tillis, Mr. Sasse, Mr. Grassley, Mr. Thune.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. McConnell, Mr. Shelby, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Blunt, Mr. Moran, Mr. Hoeven, Mr. Boozman, Mrs. Capito, Mr. Cassidy, Mr. Lankford, Mr. Daines.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Wicker, Ms. Ayotte, Mrs. Fischer, Mr. Cotton, Mr. Rounds, Mrs. Ernst, Mr. Tillis, Mr. Sullivan, Mr. Lee, Mr. Graham, Mr. Cruz.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Crapo, Mr. Corker, Mr. Vitter, Mr. Toomey, Mr. Kirk, Mr. Heller, Mr. Scott, Mr. Sasse, Mr. Cotton, Mr. Rounds, Mr. Moran.

COMMITTEE ON THE BUDGET: Mr. Grassley, Mr. Enzi, Mr. Sessions, Mr. Crapo, Mr. Graham, Mr. Portman, Mr. Toomey, Mr. Johnson, Ms. Ayotte, Mr. Wicker, Mr. Corker, Mr. Perdue.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Thune, Mr. Wicker, Mr. Blunt, Mr. Rubio, Ms. Ayotte, Mr. Cruz, Mrs. Fischer, Mr. Moran, Mr. Sullivan, Mr. Johnson, Mr. Heller, Mr. Gardner, Mr. Daines.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Flake, Mr. Daines, Mr. Cassidy, Mr. Gardner, Mr. Portman, Mr. Hoeven, Mr. Alexander, Mrs. Capito.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Vitter, Mr. Barrasso, Mrs. Capito, Mr. Crapo, Mr. Boozman, Mr. Sessions, Mr. Wicker, Mrs. Fischer, Mr. Rounds, Mr. Sullivan.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Thune, Mr. Burr, Mr. Isakson, Mr. Portman, Mr. Toomey, Mr. Coats, Mr. Heller, Mr. Scott.

COMMITTEE ON FOREIGN RELATIONS: Mr. Corker, Mr. Risch, Mr. Rubio, Mr. Johnson, Mr. Flake, Mr. Gardner, Mr. Perdue, Mr. Isakson, Mr. Paul, Mr. Barrasso.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. Paul, Ms. Collins, Ms. Murkowski, Mr. Kirk, Mr. Scott, Mr. Hatch, Mr. Roberts, Mr. Cassidy.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. McCain, Mr. Johnson, Mr. Portman, Mr. Paul, Mr. Lankford, Ms. Ayotte, Mr. Enzi, Mrs. Ernst, Mr. Sasse.

COMMITTEE ON THE JUDICIARY: Mr. Hatch, Mr. Grassley, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, Mr. Cruz, Mr. Vitter, Mr. Flake, Mr. Perdue, Mr. Tillis.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Alexander, Mr. McConnell, Mr. Cochran, Mr. Roberts, Mr. Shelby, Mr. Blunt, Mr. Cruz, Mrs. Capito, Mr. Boozman, Mr. Wicker.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Vitter, Mr. Risch, Mr. Rubio, Mr. Paul, Mr. Scott, Mrs. Fischer, Mr. Gardner, Mrs. Ernst, Ms. Ayotte, Mr. Enzi.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Isakson, Mr. Moran, Mr. Boozman, Mr. Heller, Mr. Cassidy, Mr. Rounds, Mr. Tillis, Mr. Sullivan.

COMMITTEE ON INDIAN AFFAIRS: Mr. McCain, Ms. Murkowski, Mr. Barrasso, Mr. Hoeven, Mr. Lankford, Mr. Daines, Mr. Crapo, Mr. Moran.

SELECT COMMITTEE ON ETHICS: Mr. Roberts, Mr. Isakson, Mr. Risch.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Burr, Mr. Risch, Mr. Coats, Mr. Rubio, Ms. Collins, Mr. Blunt, Mr. Lankford, Mr. Cotton.

SPECIAL COMMITTEE ON AGING: Ms. Collins, Mr. Hatch, Mr. Kirk, Mr. Flake, Mr. Scott, Mr. Corker, Mr. Heller, Mr. Cotton, Mr. Perdue, Mr. Tillis, Mr. Sasse.

JOINT ECONOMIC COMMITTEE: Mr. Coats, Mr. Lee, Mr. Cotton, Mr. Sasse, Mr. Cruz, Mr. Cassidy.

# SENATE RESOLUTION 19—RELATIVE TO THE DEATH OF EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS

Mr. MCCONNELL (for himself, Mr. REID of Nevada, Ms. WARREN, Mr. MARKEY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 19

Whereas Edward W. Brooke, III, was born in Washington, D.C. in 1919, graduated from Howard University in 1941 and Boston University Law College in 1948;



Whereas Edward W. Brooke, III, served in the United States Army during World War II, earning the rank of Captain, a Bronze Star, and a Distinguished Service Award;

Whereas Edward W. Brooke, III, was elected to the office of Attorney General of the Commonwealth of Massachusetts in 1962 and served as the first African American attorney general in the United States;

Whereas Edward W. Brooke, III, was first elected to the United States Senate in 1966 and served two terms as a Senator from the Commonwealth of Massachusetts;

Whereas Edward W. Brooke, III, was the first African American to be elected to the Senate by popular vote;

Whereas Edward W. Brooke, III, was a pioneer and champion of civil rights;

Whereas Edward W. Brooke, III, was awarded the Presidential Medal of Freedom on June 23, 2004, and the Congressional Gold Medal on July 1, 2008: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Edward W. Brooke, III, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Edward W. Brooke, III.

#### SENATE RESOLUTION 20—LIMITING CERTAIN USES OF THE FILIBUSTER IN THE SENATE TO IMPROVE THE LEGISLATIVE PROCESS

Mr. UDALL (for himself, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. HEINRICH, Mrs. SHAHEEN, Mr. FRANKEN, and Ms. KLOBUCHAR) submitted the following resolution; which was submitted and read:

S. RES. 20

*Resolved*,

##### SECTION 1. MOTIONS TO PROCEED.

Paragraph 1 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following new paragraph:

“Other than a motion made during the first 2 hours of a new legislative day as described in paragraph 2 of rule VIII, consideration of a motion to proceed to the consideration of any debatable matter, including debate on any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees. This paragraph shall not apply to motions considered nondebateable by the Senate pursuant to rule or precedent.”.

##### SEC. 2. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second undesignated paragraph and inserting the following:

“Is it the sense of the Senate that the debate shall be brought to a close? And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn, except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators voting, a quorum being present, then cloture has been invoked.

“If that question is on disposition of a bill or joint resolution, a resolution or concurrent resolution, a substitute amendment for a bill or resolution, a motion with respect to

amendments between the Houses, a conference report, or advice and consent to a nomination or treaty, and if such question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, but less than three-fifths of the Senators duly chosen and sworn (or less than two-thirds of the Senators voting, a quorum being present, in the case of a measure or motion to amend the Senate rules), then it shall be in order for the Majority Leader (or his or her designee) to initiate a period of extended debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, in which case the period of extended debate shall begin one hour later.

“During a period of extended debate, such measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business, except on action or motion by the Majority Leader (or his or her designee).

“During a period of extended debate it shall not be in order for a Senator other than the Majority Leader (or his or her designee) to raise a question as to the presence of a quorum, except immediately prior to a vote or when it has been more than forty-eight hours since a quorum was demonstrated. If upon a roll call it shall be ascertained that a quorum is not present, then the Senate shall adjourn to a time previously decided by order of the Senate or, if no such time has been established, then to a time certain determined by the Majority Leader, after consultation with the Minority Leader.

“During a period of extended debate a motion to adjourn or recess shall not be in order, unless made by the Majority Leader (or his or her designee) or if the absence of a quorum has been demonstrated. Notwithstanding paragraph 1 of rule XIX, there shall be no limit to the number of times a Senator may speak upon any question during a period of extended debate.

“If, during the course of extended debate, the Presiding Officer puts any question to a vote, the Majority Leader (or his or her designee) may postpone any such vote, which shall occur at a time determined by the Majority Leader, after consultation with the Minority Leader, but not later than the time at which a quorum is next demonstrated.

“If at any time during a period of extended debate no Senator seeks recognition, then the Presiding Officer shall inquire as to whether any Senator seeks recognition. If no Senator seeks recognition, then the Presiding Officer shall again put the question as to bringing debate to a close (and the Majority Leader or his or her designee may postpone such vote in accordance with the preceding paragraph), which shall be decided without further debate or intervening motion. If that question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, then cloture has been invoked and the period of extended debate has ended. If that question shall be decided in the negative by a majority of Senators voting, a quorum being present, then the period of extended debate has ended.

“If cloture is invoked, then the measure, motion, other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, shall remain the unfinished business to the exclusion of all other business until disposed of.”.

##### SEC. 3. POST-CLOTURE DEBATE ON NOMINATIONS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “After no more than thirty hours of consideration of the measure, motion, or other

matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on” in the fourth undesignated paragraph and inserting “After no more than 30 hours of consideration of the measure, motion, or other matter on which cloture has been invoked, except on the question of advice and consent to a nomination other than a nomination to a position as Justice of the Supreme Court in which case consideration shall be limited to 2 hours, the Senate shall proceed, without any further debate on any question, to vote on”.

##### SEC. 4. CONFERENCE MOTIONS.

Rule XXVIII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 1 through 9 as paragraphs 2 through 10, respectively;

(2) redesignating any reference to paragraphs 1 through 9 as paragraph 2 through 10, respectively; and

(3) inserting before paragraph 2, as redesignated, the following:

“1. A nondivisible motion to disagree to a House amendment or insist upon a Senate amendment, to request a committee of conference with the House or to agree to a request by the House for a committee of conference, and to authorize the Presiding Officer to appoint conferees (or to appoint conferees), is in order and consideration of such a motion, including consideration of any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours.”.

##### SEC. 5. RIGHT TO OFFER AMENDMENTS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided.”.

#### RESOLUTION OVER, UNDER THE RULE—S. RES. 18

Mr. MCCONNELL. Mr. President, I have a resolution at the desk.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 18) making majority party appointments for the 114th Congress.

Mr. MCCONNELL. I ask for its immediate consideration, and to send the resolution over, under the rule, and I object to my own request.

The PRESIDENT pro tempore. Objection is heard.

The resolution will go over, under the rule.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the adjournment of the Senate, the RECORD be kept open until 4 p.m. today for the introduction of bills and resolutions, statements, and cosponsor requests.

The PRESIDENT pro tempore. Is there objection?



Without objection, it is so ordered.

**RELATIVE TO THE DEATH OF EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS**

Mr. MCCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 19, which was introduced earlier today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) relative to the death of Edward W. Brooke, III, former United States Senator for the Commonwealth of Massachusetts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 19) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**MEASURE READ THE FIRST TIME—S. 1**

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1) to approve the Keystone XL Pipeline.

Mr. MCCONNELL. I now ask for a second reading on this measure, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDENT pro tempore. Objection is heard.

The bill will be read for the second time on the next legislative day.

**ORDERS FOR WEDNESDAY, JANUARY 7, 2015**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, January 7, 2015; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10

minutes each; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDENT pro tempore. Without objection, it is so ordered.

**ORDER FOR ADJOURNMENT**

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 19 as a further mark of respect to the memory of the late Senator Edward William Brooks III, of Massachusetts, following the remarks of Senator UDALL for 15 minutes and Senator MERKLEY for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

**RESOLUTION OVER, UNDER THE RULE—S. RES. 20**

Mr. UDALL. Mr. President, I have a resolution at the desk of which Senator MERKLEY and I are cosponsors.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) limiting certain uses of the filibuster in the Senate to improve the legislative process.

Mr. UDALL. I ask for its immediate consideration and to send the resolution over, under the rule, I, therefore, object to my own request.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over, under the rule.

Mr. UDALL. Mr. President, I rise today to talk about our continuing effort to change the Senate rules as we begin the 114th Congress. This is the same process Senators MERKLEY, Harkin, and I used at the beginning of the last Congress when we introduced a similar resolution. At that time, Majority Leader REID wanted to have the debate about reforming our rules after the inauguration.

He was willing to work with us and protect our interests until we could debate our proposal. By doing so, he preserved the right of a simple majority of this body to amend the rules in accordance with article I, section 5 of the Constitution.

I hope Majority Leader MCCONNELL will extend to us this same courtesy if he chooses to address other issues before rules reform.

It has been the tradition at the beginning of many Congresses that a majority of the Senate has asserted its right to adopt or amend the rules. Just as Senators of both parties have done in the past, we do not acquiesce to any provision of Senate rules—adopted by a previous Congress—that would deny the majority that right.

The resolution I am offering today is based on proposals we introduced at the start of the 112th and 113th Congresses. At that time, many called our efforts a power grab by the majority. But we were very clear. We would support these changes even if we were in the minority, and here we are today, reintroducing the reform package as Members of the minority.

These changes do not strip minority rights. They allow the body to function as our Founders intended. The heart of our proposal is the talking filibuster. The filibuster once was a tool that was used sparingly. It allowed the minority to be heard. Today it is abused too often and far too easily.

I have said many times that the Senate has become a graveyard for good ideas. The shovel is the broken filibuster and other procedural tactics.

The system is broken. But in the last election I think the message was clear. The electorate said: Fix it, do your job, and make the government work. That is what our resolution is intended to do.

Our reforms were not adopted in the last Congress, but we made some progress. Strong support for fixing the Senate led leaders REID and MCCONNELL to address the dysfunction in the Senate and make some moderate changes.

Unfortunately, it did not take long for the leaders' gentlemen's agreement to break down. In November 2013 the abuse of the rules—and the obstruction—reached a tipping point, and so the majority acted within the precedence of the Senate. We changed the rules to prevent the minority from abusing the rules and obstructing scores of qualified nominees for judicial and executive appointments.

I believe that drastic step was unfortunate, but it was also necessary. The minority has a right to voice objections but not to abuse the rules to obstruct justice by preventing judges from being confirmed or by preventing the President from getting his team in place.

By changing the rules, the 113th Senate was able to confirm 96 judges. In fact, it confirmed more judges than any modern Congress since 1980.

The 113th Congress also confirmed 293 executive nominations in 2014—the most since 2010.

That is an incredible change. It was a bold but necessary action. But it also led to even greater polarization in the Senate. That polarization could have been prevented if the Senate had adopted our reforms at the beginning of the 113th Congress.

That is why I strongly urge the new majority leader to continue the change

that was adopted in November. It allows most judicial and executive branch appointees to be confirmed by a straight majority vote. I urge him to continue the progress we made last Congress and adopt the rest of our proposed reforms at the start of this Congress.

Anyone who has watched this Senate try to legislate in the past few years knows we still are hobbled by dysfunction. We voted on cloture 218 times just over the past 2 years. To put that in perspective, the Senate voted on cloture only 38 times in the 50 years after the rule was adopted in 1917. We cannot continue down this path.

The unprecedented use of the filibuster and other procedural tactics by both parties has prevented the Senate from getting its work done. The Senate needs to return to its historical practice and function as a deliberative yet majoritarian body, when filibusters were rare and bipartisanship was the norm.

We believe the proposed rule changes in our resolution provide commonsense reforms. This will restore the best traditions of the Senate and allow it to conduct the business the American people expect.

We have one goal, whether we are in the majority or in the minority: to give the American people the government they expect and deserve, a government that works.

We said before, and we say it again, that we can do this—with respect for the minority, with respect for differing points of view, with respect for this Chamber, but, most of all with respect for the people who send us here.

The right to change the rules at the beginning of a new Congress is supported by history and by the Constitution. Article I, section 5 is very clear. The Senate can adopt and amend its rules at the beginning of the new Congress by a simple majority vote. This is known as the constitutional option, and it is well named.

It has been used numerous times—often with bipartisan support—since the cloture provision was adopted in 1917.

Opponents of the Constitutional Option say that the rules can only be changed with a two-thirds supermajority, as the current filibuster rule requires. And they have repeatedly said any attempt to amend the rules by a simple majority is “breaking the rules to change the rules.” This simply is not true.

The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. Article I Section 5 of the Constitution states that, “Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.” When the Framers required a supermajority, they explicitly stated so, as they did for expelling a member. On all other matters, such as determining the

chamber’s rules, a majority requirement is clearly implied.

There have been three rulings by Vice Presidents, sitting as President of the Senate, on the meaning of Article I Section 5 as it applies to the Senate. In 1957, Vice President Nixon ruled definitively:

[W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

Vice-Presidents Rockefeller and Humphrey made similar rulings at the beginning of later Congresses.

In 1979, when others were arguing that the rules could only be amended in accordance with the previous Senate’s rules, Majority Leader Byrd said the following on the floor:

There is no higher law, insofar as our Government is concerned, than the Constitution. The Senate rules are subordinate to the Constitution of the United States. The Constitution in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

In addition to the clear language of the Constitution, there is also a long-standing common law principle, upheld in the Supreme Court, that one legislature cannot bind its successors. For example, if the Senate passed a bill with a requirement that it takes 75 votes to repeal it in the future, that would violate this principle and be unconstitutional. Similarly, the Senate of one Congress cannot adopt procedural rules that a majority of the Senate in the future cannot amend or repeal.

Many of my Republican colleagues have made the same argument. For example, in 2003 Senator JOHN CORNYN wrote in a law review article:

Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote. Such power, after all, would violate the general common law principle that one parliament cannot bind another.

So amending our rules at the beginning of a Congress is not “breaking the rules to change the rules.” It is reaffirming that the U.S. Constitution is superior to the Senate rules, and that when there is a conflict between them, we follow the Constitution.

And I would like to make clear that by moving on to other business, we are not waiving our constitutional right to amend the Senate’s rules with a majority vote. In 1975, when the cloture threshold was reduced from two-thirds to three-fifths, the reform effort lasted until March. But on the first day of that Congress, Senator Mondale intro-

duced his resolution and unequivocally stated that he was reserving his right to call for a majority vote at a later date.

Senator Mondale made the following statement on that first day:

Mr. President, I wish to state, as has been traditional at the commencement of efforts to amend rule XXII, that, by operating under the Standing Rules of the Senate the supporters of this resolution do not acquiesce to the applicability of certain of those rules to the effort to amend rule XXII; nor do they waive any rights which they may obtain under the Constitution, the practice of this body, or certain rulings of previous Vice Presidents to amend rule XXII, uninhibited by rules in effect during previous Congresses.

Today, I take the same position as Senator Mondale and many other reformers did over the years. I understand that Majority Leader MCCONNELL may move on to other business, but I am not acquiescing to any provision in the Senate rules that prevents a majority from amending those rules. We can, and should, take time to debate our proposal and have an up or down vote. I know other colleagues also have reform proposals. They all deserve consideration.

This is not just about rules. It is about the norms and traditions of the Senate. They have collapsed under the weight of the filibusters.

Neither side is 100-percent pure. Both sides have used the rules for obstruction. No doubt they have had their reasons, but I don’t think the American people care about that. They don’t want a history lesson or a lesson in parliamentary procedure. They want a government that is reasonable and that works.

I hope all my colleagues, especially the new Senators, give special consideration to reform. We do not need to win every legislative or nomination vote, but we need to have a real debate—and an open process—to ensure we are, actually, the greatest deliberative body in the world.

We changed the rule regarding nominations. That was an important start, but it was the beginning—not the end. We still need to reform the Senate rules.

Mr. President, I ask unanimous consent that Senator FRANKEN be added as a cosponsor to S. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Today we are at the start of a new Congress, and every new Congress provides the opportunity for a fresh start of the work we do on behalf of the American people. Congratulations to our newly elected Members and congratulations to our returning elected Members.

It is appropriate at this moment, at the start of a new, 2-year Congress, that we ponder how to make this institution work for the American people, work well within our constitutional framework and our responsibility for

advice and consent on nominations, and work well in terms of our responsibility for legislation that will address the big issues facing our Nation.

Since I came to the Senate in 2009, it has been a pleasure to work with my colleague from New Mexico. My colleague from New Mexico came to the Senate from the House. I came here from the State of Oregon but with memories of how the Senate worked many years before when I first came to the Senate as an intern in 1976.

I must say, in the 1970s, this body worked very much in the manner that one might anticipate. A bill was put forward. There was no filibuster of a motion to proceed. The bill was debated. A group of Senators would be ready to call upon the President of the Senate to submit their amendment.

Whoever was called on first—that amendment was debated. That amendment was debated, and in a short period of time it was voted on and then the Senators would vie for the opportunity to present the next amendment.

What I saw in 2009 when I came back as a Senator was a very different Chamber, a Chamber where long periods of time would be spent debating what bills to debate. The motion to proceed would be filibustered. So we would waste the energy of this institution not upon delving into the complexities of an issue and how to best address it but simply on the procedural issue of whether we were going to start debate on a particular bill.

This situation has certainly been observed by the American public. The American public's esteem for our institution has declined steadily over the past several decades as the paralysis of this institution has increased.

Observers of Congress report that the past two Congresses have been among the least productive in modern history—too few amendments getting considered, paralysis even after a bill has come to the floor on which amendment to address first, and too many filibusters—filibusters not of the type of old in which a Senator would delay action on a bill by holding forth as long as his energies would enable him or her to stand on this floor and carry forth, but filibusters of the silent kind, the kind in which there is simply an objection to closing debate. But then this Chamber is filled with silence because no one has anything left to say on it, and no one is willing to spend the time and energy to even declare to the American people: I am here on this floor speaking at length because I want to block this bill. There is no accountability to the public in that fashion—no transparency. So the silent filibuster has come to haunt this hall.

Well, that is a very different Senate than the Senate in the mid-1970s and one that my colleague from New Mexico and I are determined to change—to restore this Chamber to being a great deliberative body. We can have all the interesting policy ideas in the world, and we can have, certainly, insights on

how to make things work better, but if the machinery for this body to consider those ideas is broken, then, certainly, those abilities are not put into their best opportunity or framework. Many folks, when we have been debating the functionality of the Senate, have said: But, remember, it was George Washington who said that the Senate should be a cooling saucer—in other words, saying that the dysfunction and paralysis of the Senate is just exactly the way it was designed to be.

That is certainly a misreading of the comment attributed, perhaps apocryphally, to George Washington. George Washington was referring to the fact that the Senate was designed with a constitutional framework of 6 years, of one-third of the Members rotating every 2 years, of a Chamber that was initially elected indirectly by the States—rather than by popular election—and that this would give it more chance to be thoughtful and reflective on the issues that come before the Nation.

This thoughtfulness, this ability to gain reflexion, is, in fact, exactly what the Senate should be. It is the quality that led to the Senate being described as the world's greatest deliberative body. But the filibuster, and the abuse of it, has changed that. And certainly the inability of the minority and the majority to be able to put forth amendments in a timely fashion and to debate them has changed.

I think back to what Alexander Hamilton said early in the history of our Nation. He said that the real operation of the filibuster “. . . is to embarrass the administration, to destroy the energy of government, to substitute the pleasure, caprice and artifices of an insignificant, turbulent or corrupt junta to the regular deliberations and decisions of a respectable majority.”

That phrase, isn't that what we need to restore in this body, the regular deliberations and decisions of a respectable majority?

This is all part of this cycle of a democracy in which citizens vote for an individual who they feel reflects what needs to be done in our Nation, and those individuals come to this [chamber/Chamber] and they proceed to have an agenda. That agenda, if it is part of the majority agenda or a bipartisan majority agenda, gets implemented and those ideas get tested. Those ideas that work well can be kept and those ideas that work poorly can be thrown out. But if this Chamber is locked in paralysis, that cycle of testing ideas and of citizens voting for a vision and seeing that vision implemented and tested is broken. That is much where we are now.

Alexander Hamilton went on to say that when the majority must conform to the views of the minority, the consequence is “. . . tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.”

I think that is exactly what we have seen too much of in this Chamber,

whether it be one party in charge or the other party in charge. As my colleague noted, this is not a partisan issue. The ideas we put forward when in the majority we are now putting forward in the minority. Isn't that the test of whether an idea is in fact designed for the good of this institution, rather than the advantage of the moment?

Our Senate is broken. The American people know that. And it is our responsibility as Senators to work to change that. That is why there should now be a full debate among the Members on the best ideas on how to enable this Chamber to work better. Those ideas should come from the right of the aisle, from the left of the aisle, and ideas in partnership between colleagues on both sides of the aisle. Again, this shouldn't be about the advantage of the moment, it should be about the successful function of our beloved Senate.

One of the things we have seen in the course of this broken Senate is our failure to adequately dispose of our responsibility for advice and consent on nominations under the Constitution. That responsibility is designed to be a check on outrageous potential nominations from the President. It is not designed to be a way for one coequal branch of government—that is the Congress—to seek to systematically undermine other branches of the government, be it the judiciary or the executive. So we need to have a timely and systematic way of considering nominations. That certainly has fallen apart in the course of the poisonous and partisan nature of deliberations here over the last few years. But we can change that.

Indeed, we stepped forward a year ago November to test a rule to close debate on most nominations with a simple majority. The result has been quite spectacular. The number of district judges who have been considered on the floor of this Chamber has more than doubled—has almost tripled. Judicial vacancies have been cut in half—extremely important to a fair and capable judiciary. Executive nominations roughly doubled.

It should not be the goal of this Chamber, whether the majority or the minority, to disable the executive branch by preventing the positions from being filled in the executive branch. If a majority says a person is reasonable, then that nomination should proceed expeditiously.

Senator UDALL and I have put forward, as he noted, a resolution that is in keeping with the package of ideas we worked on in 2011 and 2013, so we are presenting those ideas here in 2015. But my encouragement is for people to put forward their ideas, individual Senators, to add their ideas or put forward individual components that will contribute to this dialogue.

One of the ideas we have, and I will be offering to this body, is to create a process to consider rule changes at the start of each legislative session—a detailed way of addressing that, since

currently we have no pattern, no guide, to holding a debate about how the Senate functions.

A second will be to consider the expedited consideration of most nominations. We made a rule change a couple of years ago—well, November a year ago. And also, before that, we made some minor changes in timing in January 2013. That came out of the debate just 2 years ago. Those January 2013 changes are expiring. Those timelines are expiring. So that goes away. Should those be adopted as part of the standing rules rather than simply the standing orders which expire with the change of a Congress?

A third idea is to end the filibuster on the motion to proceed to legislation. Think about how this has changed. If you take the 10-year period between 1973 and 1982, a 10-year period that embraces when I first came here as an intern, there were 14 times there was a filibuster on a motion to proceed. If you take 10 years from roughly 2003 to 2012, that number went up to about 160—more than a tenfold increase in the paralysis of getting bills to the floor to be discussed.

Why should there be filibusters at all on a conference committee? If the

House has put forward an idea and passed it, and the same bill has been passed by the Senate, isn't it common sense to enable a delegation from each Chamber to meet together to work out a compromise? We did make a modest improvement in this procedure, but there is much more work to be done on this.

In fact, I was mystified when I came here in 2009 as to why there weren't conference committees going on. First I heard: Well, it is easier for Chairs of committees to get together informally and try to work out something behind the scenes. But then, as I asked more questions, the answer became: Because there are three steps required, and all three of which enable a filibuster, and that paralysis just isn't worth entertaining the time on the floor. Well, let us restore conference committees. Let us get rid of filibusters on conference committees.

And certainly we must improve floor debate by ensuring amendments can be introduced and debated. The minority has said in recent years that this is a deep disadvantage to them. But I can tell you as a Member of the previous majority that it was a disadvantage to majority Members as well not to be

able to introduce and debate amendments.

We also certainly must replace the silent filibuster with the talking filibuster so there is transparency and accountability to the use of this instrument on final passage of a bill.

Let us not let this opportunity pass. Let us not continue on autopilot from one Congress to the next. Let us take this moment of opportunity to start on this path to restoring the U.S. Senate to being the world's greatest deliberative body in order to address the big issues before us and for the betterment of our Nation.

Mr. President, I yield the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow, and does so as a further mark of respect to the memory of the late Senator Edward William Brooke, III, of the Commonwealth of Massachusetts.

Thereupon, the Senate, at 1:40 p.m., adjourned until Wednesday, January 7, 2015, at 9:30 a.m.